
By: **Delegates Frush, Shriver, R. Baker, Bobo, Bronrott, Clagett, Conroy,
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Hubers, V. Jones, Mandel, Menes, Moe, Montague, Morhaim,
Nathan-Pulliam, Petzold, Pitkin, Riley, and Rosso**

Introduced and read first time: February 6, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Water Conservation Act**

3 FOR the purpose of requiring certain public water systems and sewage treatment
4 plants to include a description of certain water conservation practices when
5 applying for a new or expanded water appropriation or wastewater discharge
6 permit; requiring the Department of the Environment to consider certain
7 matters in reviewing and approving certain water appropriation or wastewater
8 discharge permit applications; requiring the Department to issue guidelines on
9 certain water conservation practices by a certain date; specifying a certain State
10 policy; defining certain terms; and generally relating to water conservation
11 practices of public water systems and sewage treatment plants.

12 BY adding to
13 Article - Environment
14 Section 5-5B-01 through 5-5B-05, inclusive, to be under the new subtitle
15 "Subtitle 5B. Maryland Water Conservation"
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 2001 Supplement)

18 **Preamble**

19 WHEREAS, Greater efficiency in water use and conservation can reduce the
20 financial costs associated with treatment, storage, and transmission of water and
21 wastewater necessary for Maryland's growing population, thus making better use of
22 the limited financial resources available for such improvements; and

23 WHEREAS, Data compiled by the State and published by the United States
24 Environmental Protection Agency show that in the next 20 years, more than
25 \$2,000,000,000 will have to be invested by public water systems, wastewater
26 treatment plants, and State agencies in order to accommodate growth and to improve
27 the quality of drinking water and the treatment, storage, and transmission of
28 wastewater; and

1 WHEREAS, Improvements in efficient use of water and overall water
2 conservation measures will limit negative environmental impacts on Maryland's
3 aquatic resources, which are associated with withdrawing surface water and
4 groundwater and discharging wastewater; and

5 WHEREAS, More efficient use of limited financial resources available for
6 improving wastewater treatment will accelerate achievement of water quality goals,
7 including the goals of the Chesapeake Bay Agreements; now, therefore,

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

10 **Article - Environment**

11 **SUBTITLE 5B. MARYLAND WATER CONSERVATION.**

12 5-5B-01.

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) "PUBLIC WATER SYSTEM" HAS THE MEANING STATED IN § 9-401 OF THIS
16 ARTICLE AND IS A WATER SYSTEM LOCATED IN THE STATE.

17 (C) "SEWAGE TREATMENT PLANT" MEANS ANY PUBLICLY OR PRIVATELY
18 OWNED FACILITY CONSTRUCTED TO RECEIVE AND TREAT HUMAN SEWAGE THAT IS
19 SUBJECT TO A STATE DISCHARGE PERMIT AND DISCHARGES AT LEAST 1,000,000
20 GALLONS PER DAY.

21 (D) "NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM" HAS THE
22 MEANING STATED IN § 9-101 OF THIS ARTICLE AND IS A POLLUTANT DISCHARGE
23 SYSTEM LOCATED IN THE STATE.

24 (E) "WATER CONSERVATION" MEANS THE USE OF PRACTICES, TECHNIQUES,
25 AND TECHNOLOGIES THAT:

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

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

28 (3) MAKE MORE EFFICIENT USE OF WATER OR WASTEWATER
29 TREATMENT INFRASTRUCTURE.

30 5-5B-02.

31 THIS SUBTITLE APPLIES TO PUBLIC WATER SYSTEMS SERVING AT LEAST 10,000
32 INDIVIDUALS AND SEWAGE TREATMENT PLANTS DISCHARGING AT LEAST 1,000,000
33 GALLONS PER DAY THAT:

34 (1) APPLY FOR A NEW, RENEWED, OR AMENDED WATER APPROPRIATION;

1 (2) DO NOT HAVE AN APPROPRIATION PERMIT;

2 (3) APPLY FOR A NEW OR AMENDED NATIONAL POLLUTANT DISCHARGE
3 ELIMINATION SYSTEM (NPDES) PERMIT; OR

4 (4) APPLY FOR STATE FINANCIAL ASSISTANCE INCLUDING THE
5 MARYLAND WATER QUALITY REVOLVING LOAN FUND AS PROVIDED IN § 9-1605 OF
6 THIS ARTICLE AND ANY OTHER STATE FUNDING SOURCE.

7 5-5B-03.

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

9 (1) ENCOURAGE INVESTMENT IN COST-EFFECTIVE MEASURES THAT
10 IMPROVE THE EFFICIENCY WITH WHICH WATER AND WASTEWATER ARE USED,
11 TREATED, STORED, AND TRANSMITTED IN THE STATE;

12 (2) REDUCE COSTS ASSOCIATED WITH TREATING, STORING, AND
13 TRANSMITTING WATER AND WASTEWATER; AND

14 (3) PROTECT THE STATE'S NATURAL RESOURCES, INCLUDING THE FISH
15 AND WILDLIFE OF THE POTOMAC RIVER, THE CHESAPEAKE BAY, AND ALL OTHER
16 WATERS AND WATERWAYS OF THE STATE.

17 5-5B-04.

18 (A) WHEN APPLYING FOR A NEW OR EXPANDED WATER APPROPRIATION OR
19 WASTEWATER DISCHARGE PERMIT, OR STATE FINANCIAL ASSISTANCE, PUBLIC
20 WATER SYSTEMS AND SEWAGE TREATMENT PLANTS SHALL INCLUDE A
21 DESCRIPTION OF BEST MANAGEMENT PRACTICES CURRENTLY IN USE, OR TO BE
22 IMPLEMENTED, FOR IMPROVING WATER CONSERVATION AND THE EFFICIENCY WITH
23 WHICH WATER OR WASTEWATER IS USED, TREATED, STORED, AND TRANSMITTED.
24 THE APPLICATION SHALL ALSO INCLUDE A SCHEDULE FOR THE IMPLEMENTATION
25 OF BEST MANAGEMENT PRACTICES.

26 (B) BEST MANAGEMENT PRACTICES MAY INCLUDE THE FOLLOWING:

27 (1) PRACTICES DESIGNED TO MEASURE THE AMOUNT OF WATER
28 CONVEYED THROUGH THE SYSTEM'S INFRASTRUCTURE TO WATER USERS, SUCH AS
29 UNIVERSAL METERING;

30 (2) AUDITS OF LARGE-VOLUME USERS;

31 (3) REUSE AND RECYCLING OF WATER FOR NONPOTABLE,
32 NONRESIDENTIAL APPLICATIONS;

33 (4) MANAGEMENT OF SYSTEM PRESSURE TO REDUCE USAGE;

34 (5) RETROFIT PROGRAMS;

35 (6) EFFICIENCY IN LANDSCAPE DESIGN AND IRRIGATION TECHNIQUES;

- 1 (7) WASTEWATER RECLAMATION AND RECYCLING PROGRAMS;
- 2 (8) FIXTURE REPLACEMENT PROGRAMS;
- 3 (9) WATER AND WASTEWATER PRICING STRUCTURES THAT ENCOURAGE
4 IMPROVED EFFICIENCY;
- 5 (10) REBATES AND OTHER FINANCIAL INCENTIVES;
- 6 (11) AN EDUCATION PROGRAM FOR USERS DESIGNED TO PROMOTE
7 INCREASED EFFICIENCY AND CONSERVATION; AND
- 8 (12) PROMOTION OR ADOPTION OF LOCAL WATER-USE ORDINANCES
9 THAT ENCOURAGE WATER CONSERVATION.

10 5-5B-05.

11 (A) IN REVIEWING REQUESTS FOR NEW, RENEWED, OR EXPANDED WATER
12 APPROPRIATION OR WASTEWATER DISCHARGE PERMITS BY PUBLIC WATER SYSTEMS
13 OR SEWAGE TREATMENT PLANTS, AS DEFINED BY THIS SUBTITLE, THE DEPARTMENT
14 SHALL CONSIDER EXISTING LOCAL INITIATIVES AND VOLUNTARY EFFORTS AND
15 BEST MANAGEMENT PRACTICES SET FORTH FOR IMPLEMENTATION WITHIN A
16 PERMIT APPLICATION.

17 (B) IN REVIEWING AND PRIORITIZING REQUESTS BY PUBLIC WATER SYSTEMS
18 OR SEWAGE TREATMENT PLANTS, AS DEFINED BY THIS SUBTITLE, FOR STATE
19 FINANCIAL ASSISTANCE THROUGH THE MARYLAND WATER QUALITY REVOLVING
20 LOAN FUND UNDER § 9-1605 OF THIS ARTICLE AND OTHER STATE FUNDING
21 SOURCES, THE DEPARTMENT SHALL CONSIDER LOCAL INITIATIVES AND VOLUNTARY
22 EFFORTS, AND THE BEST MANAGEMENT PRACTICES SET FORTH FOR
23 IMPLEMENTATION WITHIN A FINANCIAL ASSISTANCE APPLICATION.

24 (C) ON OR BEFORE OCTOBER 1, 2003, THE DEPARTMENT SHALL ISSUE
25 GUIDELINES TO PUBLIC WATER SYSTEMS AND SEWAGE TREATMENT PLANTS ON
26 BEST MANAGEMENT PRACTICES FOR IMPROVING WATER CONSERVATION AND
27 EFFICIENCY IN WATER AND WASTEWATER USE, TREATMENT, STORAGE, AND
28 TRANSMISSION, INCLUDING:

29 (1) COSTS AND COST-SAVINGS ASSOCIATED WITH IMPLEMENTING
30 EXAMPLES OF SPECIFIC BEST MANAGEMENT PRACTICES;

31 (2) WATER CONSERVATION ASSOCIATED WITH IMPLEMENTING
32 SPECIFIC BEST MANAGEMENT PRACTICES; AND

33 (3) PRIORITY ELIGIBILITY FOR FUNDING THROUGH STATE FINANCIAL
34 RESOURCES FOR DRINKING WATER AND WASTEWATER TREATMENT IMPROVEMENTS
35 INCLUDING THE MARYLAND WATER QUALITY REVOLVING LOAN FUND UNDER §
36 9-1605 OF THIS ARTICLE AND OTHER STATE OR FEDERAL FINANCIAL ASSISTANCE
37 WHEN BEST MANAGEMENT PRACTICES ARE IMPLEMENTED.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2002.