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By: **Delegates Frush, Shriver, R. Baker, Bobo, Bronrott, Clagett, Conroy, Cryor, D. Davis, D'Amato, DeCarlo, Dembrow, Healey, Heller, Howard, Hubers, V. Jones, Mandel, Menes, Moe, Montague, Morhaim, Nathan-Pulliam, Petzold, Pitkin, Riley, ~~and Rosso~~ Rosso, Sher, and Valderrama**

Introduced and read first time: February 6, 2002  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 22, 2002

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CHAPTER \_\_\_\_\_

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

1 wastewater necessary for Maryland's growing population, thus making better use of  
2 the limited financial resources available for such improvements; and

3 WHEREAS, Data compiled by the State and published by the United States  
4 Environmental Protection Agency show that in the next 20 years, more than  
5 \$2,000,000,000 will have to be invested by public water systems, wastewater  
6 treatment plants, and State agencies in order to accommodate growth and to improve  
7 the quality of drinking water and the treatment, storage, and transmission of  
8 wastewater; and

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

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

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

18 **Article - Environment**

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

20 5-5B-01.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

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

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

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

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

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

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

1 (3) MAKE MORE EFFICIENT USE OF WATER OR WASTEWATER  
2 TREATMENT INFRASTRUCTURE.

3 5-5B-02.

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

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

8 (2) DO NOT HAVE AN APPROPRIATION PERMIT;

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

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

14 5-5B-03.

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

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

19 (2) REDUCE COSTS ASSOCIATED WITH TREATING, STORING, AND  
20 TRANSMITTING WATER AND WASTEWATER; AND

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

24 5-5B-04.

25 (A) WHEN APPLYING FOR A NEW OR EXPANDED WATER APPROPRIATION OR  
26 WASTEWATER DISCHARGE PERMIT, OR STATE FINANCIAL ASSISTANCE, PUBLIC  
27 WATER SYSTEMS AND SEWAGE TREATMENT PLANTS SHALL INCLUDE A  
28 DESCRIPTION OF BEST MANAGEMENT PRACTICES CURRENTLY IN USE, OR TO BE  
29 IMPLEMENTED, FOR IMPROVING WATER CONSERVATION AND THE EFFICIENCY WITH  
30 WHICH WATER OR WASTEWATER IS USED, TREATED, STORED, AND TRANSMITTED.  
31 THE APPLICATION SHALL ALSO INCLUDE A SCHEDULE FOR THE IMPLEMENTATION  
32 OF BEST MANAGEMENT PRACTICES.

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

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

- 1           (2)     AUDITS OF LARGE-VOLUME USERS;
- 2           (3)     REUSE AND RECYCLING OF WATER FOR NONPOTABLE,  
3 NONRESIDENTIAL APPLICATIONS;
- 4           (4)     MANAGEMENT OF SYSTEM PRESSURE TO REDUCE USAGE;
- 5           (5)     RETROFIT PROGRAMS;
- 6           (6)     EFFICIENCY IN LANDSCAPE DESIGN AND IRRIGATION TECHNIQUES;
- 7           (7)     WASTEWATER RECLAMATION AND RECYCLING PROGRAMS;
- 8           (8)     FIXTURE REPLACEMENT PROGRAMS;
- 9           (9)     WATER AND WASTEWATER PRICING STRUCTURES THAT ENCOURAGE  
10 IMPROVED EFFICIENCY;
- 11          (10)    REBATES AND OTHER FINANCIAL INCENTIVES;
- 12          (11)    AN EDUCATION PROGRAM FOR USERS DESIGNED TO PROMOTE  
13 INCREASED EFFICIENCY AND CONSERVATION; AND
- 14          (12)    PROMOTION OR ADOPTION OF LOCAL WATER-USE ORDINANCES  
15 THAT ENCOURAGE WATER CONSERVATION.

16 5-5B-05.

17       (A)     IN REVIEWING REQUESTS FOR NEW, RENEWED, OR EXPANDED WATER  
18 APPROPRIATION OR WASTEWATER DISCHARGE PERMITS BY PUBLIC WATER SYSTEMS  
19 OR SEWAGE TREATMENT PLANTS, AS DEFINED BY THIS SUBTITLE, THE DEPARTMENT  
20 SHALL CONSIDER EXISTING LOCAL INITIATIVES AND VOLUNTARY EFFORTS AND  
21 BEST MANAGEMENT PRACTICES SET FORTH FOR IMPLEMENTATION WITHIN A  
22 PERMIT APPLICATION.

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

30       (C)     ON OR BEFORE OCTOBER 1, 2003, THE DEPARTMENT SHALL ISSUE  
31 GUIDELINES TO PUBLIC WATER SYSTEMS AND SEWAGE TREATMENT PLANTS ON  
32 BEST MANAGEMENT PRACTICES FOR IMPROVING WATER CONSERVATION AND  
33 EFFICIENCY IN WATER AND WASTEWATER USE, TREATMENT, STORAGE, AND  
34 TRANSMISSION, INCLUDING:

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

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

3           (3)       PRIORITY ELIGIBILITY FOR FUNDING THROUGH STATE FINANCIAL  
4 RESOURCES FOR DRINKING WATER AND WASTEWATER TREATMENT IMPROVEMENTS  
5 INCLUDING THE MARYLAND WATER QUALITY REVOLVING LOAN FUND UNDER §  
6 9-1605 OF THIS ARTICLE AND OTHER STATE OR FEDERAL FINANCIAL ASSISTANCE  
7 WHEN BEST MANAGEMENT PRACTICES ARE IMPLEMENTED.

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