

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

Senate Bill 726

(Senator Stoltzfus, *et al.*)

Education, Health, and Environmental Affairs

Environmental Matters

Reclaimed Water

This bill provides that it is the policy of the State to promote and encourage the use of “reclaimed water” in order to conserve water supplies and to meet other stated goals.

Fiscal Summary

State Effect: The bill’s requirements could be handled with existing budgeted resources.

Local Effect: Because the bill requires the Maryland Department of the Environment (MDE) to encourage the use of reclaimed water, the bill would not directly affect local operations or finances. To the extent that a local jurisdiction chooses to modify its facilities and systems in order to increase the use of reclaimed water, local expenditures could increase. Local jurisdictions could presumably implement a fee to offset at least a portion of those costs.

Small Business Effect: Potential meaningful. To the extent that the bill results in an increase in the supply of water available for irrigation, small businesses that rely on irrigation (such as farmers, landscapers, and golf courses) would benefit, especially in years of drought. Presumably, users could be charged a fee for reclaimed water.

Analysis

Bill Summary: The bill requires MDE to encourage the use of reclaimed water for irrigation. Reclaimed water is defined as sewage that has been treated to a high quality suitable for various reuses and has a concentration of less than: (1) 3 fecal coliform colonies per 100 milliliters; (2) 10 milligrams per liter of 5-day biological oxygen

demand; and (3) 10 milligrams per liter of total suspended solids. “Sewage” is defined as any human or animal excretion, domestic waste, or industrial waste.

Under the bill, reclaimed water is authorized for irrigation of farmland, golf courses, athletic fields, turf, landscaping, and any other use that MDE considers appropriate. Additionally, the bill declares that it is State policy to encourage the use of reclaimed water. The stated goals of this policy are to: (1) conserve water supplies; (2) facilitate the indirect recharge of groundwater; (3) reduce the amount of wastewater effluent discharged into the surface waters of the State; and (4) pursue the goal of the Clean Water Act to end the discharge of pollutants and meet the nutrient reduction goals of the Chesapeake Bay Agreement.

The bill specifies that it may not be construed to affect the ability of a commercial car wash from continuing to use reclaimed water in its operations.

The bill authorizes MDE to consult with the State Plumbing Board on matters relating to the bill’s objectives. Finally, the bill provides that MDE may establish the following buffer and setback requirements:

- from potable wells and surface water intakes, up to 100 feet;
- from intermittent and perennial streams and residential structures, up to 25 feet;
- from schools and playgrounds, up to 50 feet; and
- from public roads and residential property lines, up to 25 feet.

Current Law: It is the policy of the State: (1) to improve, conserve, and manage the quality of the waters of the State; (2) to protect, maintain, and improve the quality of water for public supplies, propagation of wildlife, fish, and aquatic life, and domestic, agricultural, industrial, recreational, and other legitimate beneficial uses; (3) to provide that no waste is discharged into any waters of the State without first receiving necessary treatment or other corrective action to protect the legitimate beneficial uses of the waters of the State; and (4) through innovative and alternative methods of waste and wastewater treatment, to provide and promote prevention, abatement, and control of new or existing water pollution.

Under current State regulations, sewage sludge may only be applied to land if certain buffer zones are observed or if the sludge has been treated in certain ways. For example, sewage sludge not treated by one of the designated methods may not be applied to the surface of land within 50 feet of a property line or within 25 feet of a public road. Sewage sludge may only be applied within the buffer zones if it has been treated by a process to further reduce pathogens (PFRP).

Background: This bill is in response to a problem experienced by the town of Snow Hill, which wants to reclaim its wastewater for irrigation purposes as an alternative to discharging the wastewater into the surface waters of the State. However, current requirements relating to the buffer zones and treatment methods make irrigation difficult.

One of the State's goals with respect to the 1987 Chesapeake Bay Agreement is to reduce controllable nutrient loads into the Chesapeake Bay by 40%. The 2000 Chesapeake Bay Agreement calls for a continuation of efforts to achieve and maintain this goal.

MDE advises that the impetus to use reclaimed water for agricultural and open space irrigation will likely increase if current drought conditions continue. The use of such water would result in less surface water discharge and lessen the impact of large withdrawals (by agricultural operations) on groundwater resources.

Local Expenditures: The Washington Suburban Sanitary Commission advises that transferring water from sewage treatment plants could require significant capital expenditures and electricity costs, particularly if the transfer involved pumping water to higher elevations. However, these costs could be transferred to the consumer through increased fees.

Additional Information

Prior Introductions: An identical bill was introduced in the 2001 session as SB 710. It passed the Senate and was heard by the Environmental Matters Committee, which took no action on it.

Cross File: None.

Information Source(s): Town of Berlin, Montgomery County, Prince George's County, Washington Suburban Sanitary Commission, Maryland Department of the Environment, Department of Legislative Services

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