

# SENATE BILL 540

M3  
SB 955/20 – EHE

EMERGENCY BILL

1lr1270  
CF HB 427

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By: **Senators Hershey and Gallion**

Introduced and read first time: January 26, 2021

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Federal Clean Water Act – Authority of State**

3 FOR the purpose of prohibiting the State from entering into an agreement that waives the  
4 State’s authority under § 401 of the federal Clean Water Act as part of exercising the  
5 State’s authority and carrying out the State’s duties under the federal Clean Water  
6 Act and State law, including the State’s authority and duties related to the federal  
7 relicensing of the Conowingo Dam; making this Act an emergency measure; and  
8 generally relating to the authority of the State under the federal Clean Water Act.

9 BY adding to

10 Article – Environment

11 Section 9–353 to be under the new part “Part VII. Authority Under the Federal Clean  
12 Water Act”

13 Annotated Code of Maryland

14 (2014 Replacement Volume and 2020 Supplement)

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

17 **Article – Environment**

18 **9–351. RESERVED.**

19 **9–352. RESERVED.**

20 **PART VII. AUTHORITY UNDER THE FEDERAL CLEAN WATER ACT.**

21 **9–353.**

22 **AS PART OF EXERCISING THE STATE’S AUTHORITY AND CARRYING OUT THE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **STATE'S DUTIES UNDER THE FEDERAL CLEAN WATER ACT AND STATE LAW,**  
2 **INCLUDING THE STATE'S AUTHORITY AND DUTIES RELATED TO THE FEDERAL**  
3 **RELICENSING OF THE CONOWINGO DAM, THE STATE MAY NOT ENTER INTO AN**  
4 **AGREEMENT THAT WAIVES THE STATE'S AUTHORITY UNDER § 401 OF THE FEDERAL**  
5 **CLEAN WATER ACT.**

6       SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
7 measure, is necessary for the immediate preservation of the public health or safety, has  
8 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
9 each of the two Houses of the General Assembly, and shall take effect from the date it is  
10 enacted.