

**HB1296/613127/1**

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 1296  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Pruski**” and substitute “**Delegates Pruski and Lehman**”; in line 3, after “of” insert “prohibiting a person from performing groundwater augmentation except under certain circumstances;”; strike beginning with “a” in line 4 down through “for” in line 5; in line 15, after “Section” insert “7–201(a), (j), and (l), 9–101(a), (b), (e), and (g), and”; in the same line, after “9–301(a)” insert a comma; in the same line, strike “and”; and in the same line, after “(f)” insert “, and (h)”.

AMENDMENT NO. 2

On page 2, after line 21, insert:

“7–201.

(a) In this subtitle the following words have the meanings indicated.

(j) “Federal act” means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended through January 1, 2003.

(l) “Hazardous substance” means any substance:

(1) Defined as a hazardous substance under § 101(14) of the federal act;

or

(2) Identified as a controlled hazardous substance by the Department in the Code of Maryland Regulations.

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9-101.

(a) In this title the following words have the meanings indicated.

(b) “Discharge” means:

(1) The addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of this State; or

(2) The placing of a pollutant in a location where the pollutant is likely to pollute.

(e) “Industrial user” means:

(1) A person who is engaged in manufacturing, fabricating, or assembling goods; or

(2) A member of any class of significant producers of pollutants identified under rules or regulations adopted by:

(i) The Secretary; or

(ii) The administrator of the United States Environmental Protection Agency.

(g) “Pollutant” means:

(1) Any waste or wastewater that is discharged from:

(i) A publicly owned treatment works; or

(ii) An industrial source; or

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(2) Any other liquid, gaseous, solid, or other substance that will pollute any waters of this State.”;

and after line 29, insert:

“(h) (1) “Sewerage system” means:

(i) The channels used or intended to be used to collect and dispose of sewage; and

(ii) Any structure and appurtenance used or intended to be used to collect or prepare sewage for discharge into the waters of this State.

(2) “Sewerage system” includes any sewer of any size.

(3) “Sewerage system” does not include the plumbing system inside any building served by the sewerage system.”.

On page 3, after line 3, insert:

**“(2) “AQUIFER” MEANS A GEOLOGIC FORMATION, GROUP OF FORMATIONS, OR PART OF A FORMATION THAT IS CAPABLE OF YIELDING A SIGNIFICANT AMOUNT OF WATER TO A WELL OR SPRING.**

**“(3) “CONFINED AQUIFER” MEANS AN AQUIFER UNDER PRESSURE FROM A RELATIVELY IMPERVIOUS LAYER OF MATERIAL LAYING ABOVE THE AQUIFER.”;**

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in lines 4, 8, 15, 19, 23, 28, and 31, strike “(2)”, “(3)”, “(5)”, “(C)”, “(D)”, “(I)”, and “(II)”, respectively, and substitute “(4)”, “(7)”, “(8)”, “(D) (1)”, “(E)”, “(1)”, and “(2)”, respectively; after line 7, insert:

**“(5) “GROUNDWATER AUGMENTATION” MEANS THE INJECTION OF RECLAIMED WATER INTO AN AQUIFER FOR ANY PURPOSE THAT IS NOT DISCHARGE.**

**“(6) “HAZARDOUS SUBSTANCE” HAS THE MEANING STATED IN § 7–201 OF THIS ARTICLE.”;**

strike beginning with “TO” in line 9 down through “CONDUCTING” in line 11 and substitute “FOR”; strike in their entirety lines 13 and 14; in line 17, after “(B)” insert **“EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MAY NOT PERFORM GROUNDWATER AUGMENTATION.**

**(C)**”;

in line 19, after “AUTHORIZE” insert a comma; in lines 19 and 20, strike “THE TESTING OF THE REGULATED” and substitute “**REGULATE, AND EVALUATE THE**”; in line 21, strike “THE ISSUANCE OF”; after line 22, insert:

**“(2) THE DEPARTMENT MAY NOT ISSUE MORE THAN ONE MANAGED AQUIFER RECHARGE PERMIT UNDER THE PILOT PROGRAM.”;**

in line 23, strike “(1)”; strike beginning with “A” in line 23 down through “FOR” in line 25; in line 28, strike “DEMONSTRATION FACILITY” and substitute “**GROUNDWATER AUGMENTATION**”; in line 29, after “IS” insert “**OCCURRING OR REASONABLY**”; and in line 32, strike “TO INFORM THE EVENTUAL LOCATION OF A FULL–SCALE OR” and substitute “**FOR**”.

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On page 4, in line 1, strike “SITE” and substitute “OF GROUNDWATER AUGMENTATION”; in line 2, strike “(III)” and substitute “(3)”; in the same line, strike “A” and substitute “THE”; in line 4, strike “1.” and substitute “(I)”; in the same line, strike “CONTAINMENT” and substitute “CONTAMINANT”; strike beginning with the colon in line 5 down through “26.04.01” in line 8 and substitute “THE U.S. ENVIRONMENTAL PROTECTION AGENCY OR THE DEPARTMENT;”

**(II) AT LEAST THREE SEPARATE TREATMENT PROCESSES THAT INCLUDE:**

**1. OXIDATION TREATMENT;**

in lines 9 and 10, strike “AT THE WASTEWATER TREATMENT STAGE AND ADVANCED WATER TREATMENT STAGE”; in line 15, after “3.” insert “FOR GROUNDWATER AUGMENTATION IN A CONFINED AQUIFER:”

**A. REVERSE OSMOSIS; AND**

**B. TREATMENT TO ENSURE THAT TOTAL ORGANIC CARBON DOES NOT EXCEED 0.5 MILLIGRAMS PER LITER BASED ON A 20-WEEK RUNNING AVERAGE OF ALL TOTAL ORGANIC CARBON RESULTS AND THE AVERAGE OF THE FOUR MOST RECENT TOTAL ORGANIC CARBON TEST RESULTS; AND**

**(III);**

strike beginning with “MAXIMUM” in line 15 down through “ACT” in line 19 and substitute “TREATMENT FOR REMOVAL OF ANY HAZARDOUS SUBSTANCE IN THE RECLAIMED WATER THAT DOES NOT HAVE A MAXIMUM CONTAMINANT LEVEL OR”

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EFFLUENT LIMIT ESTABLISHED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY OR THE DEPARTMENT TO A QUANTITATIVE LEVEL THAT IS BASED ON PUBLIC HEALTH CRITERIA"; in lines 20, 23, and 25, strike "~~(IV)~~", "~~(V)~~", and "~~(VI)~~", respectively, and substitute "(4)", "(5)", and "(6)", respectively; in line 20, strike "~~TREATED~~"; in line 21, strike "~~OF ITEM (III)~~"; in line 22, strike "~~PARAGRAPH~~" and substitute "SUBSECTION"; in line 24, strike "~~AQUIFER RECHARGE~~" and substitute "GROUNDWATER AUGMENTATION"; in line 27, strike "~~UNDERGROUND INJECTION~~" and substitute "GROUNDWATER AUGMENTATION"; strike beginning with "~~ESTABLISHING~~" in line 28 down through "~~REQUIRING~~" in line 29; and in line 29, strike "~~DISPOSAL~~" and substitute "DISCHARGE".

On page 5, in line 1, strike "~~(VII)~~" and substitute "(7) THE APPLICANT HAS IDENTIFIED ALL WELLS THAT WITHDRAW WATER FROM WITHIN 2 YEARS OF TRAVEL TIME FOR THE WATER FROM THE LOCATION WHERE GROUNDWATER AUGMENTATION IS PROPOSED AND HAS EVALUATED THE POTENTIAL IMPACT TO THOSE WELLS;

(8) THE APPLICANT HAS IDENTIFIED ALL INDUSTRIAL USERS THAT DISCHARGE TO THE SEWERAGE SYSTEM FROM WHICH THE RECLAIMED WATER IS RECEIVED AND THE POLLUTANTS IN EACH INDUSTRIAL USERS' DISCHARGE;

(9) THE APPLICANT HAS PERFORMED A HYDROGEOLOGICAL INVESTIGATION THAT INCLUDES:

(I) A DESCRIPTION OF THE GEOLOGIC AND HYDROGEOLOGICAL SETTING OF THE PORTION OF THE AQUIFER THAT MAY BE AFFECTED BY GROUNDWATER AUGMENTATION;

(II) A DETAILED DESCRIPTION OF THE STRATIGRAPHY BENEATH THE PROJECT;

(III) A MAP OF THE EXISTING HYDROGEOLOGY AND THE HYDROGEOLOGY ANTICIPATED AS A RESULT OF THE GROUNDWATER AUGMENTATION BASED ON AT LEAST FOUR ROUNDS OF CONSECUTIVE QUARTERLY MONITORING;

(IV) A MAP SHOWING QUARTERLY GROUNDWATER ELEVATION CONTOURS, VECTOR FLOW DIRECTIONS, AND CALCULATED HYDRAULIC GRADIENTS USE AT LEAST FOUR ROUNDS OF CONSECUTIVE QUARTERLY MONITORING;

(V) A MAP SHOWING THE LOCATION AND BOUNDARIES OF THE PROJECT AND THE ZONE OF POTENTIAL DRINKING WATER WELL CONSTRUCTION; AND

(VI) A SUMMARY OF THE RESULTS FROM AT LEAST FOUR GROUNDWATER SAMPLES WITH AT LEAST ONE SAMPLE COLLECTED DURING EACH QUARTER FROM EACH POTENTIALLY AFFECTED AQUIFER THAT INCLUDES TOTAL NITROGEN, TOTAL ORGANIC CARBON, AND AN ANALYSIS OF ANY OTHER CONSTITUENT REQUESTED BY THE DEPARTMENT;

(10)";

in line 2, after "RISKS" insert "THAT INCLUDES A PLAN TO PROVIDE AN ALTERNATIVE DRINKING WATER SOURCE TO WELL USERS WHO MAY BE AFFECTED BY THE GROUNDWATER AUGMENTATION ON A TEMPORARY OR PERMANENT BASIS"; after line 2, insert:

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“(11) THE APPLICANT IDENTIFIES THE LOCATIONS WHERE AT LEAST TWO MONITORING WELLS WILL BE INSTALLED THAT ARE NOT LESS THAN 14 DAYS AND NOT MORE THAN 180 DAYS OF TRAVEL TIME DOWNGRADIENT FROM THE INJECTION WELL AND AT LEAST 30 DAYS OF TRAVEL TIME UPGRADIENT FROM THE NEARING DRINKING WATER WELL;

“(12) THE APPLICANT SUBMITS A DETAILED OPERATION AND MAINTENANCE PLAN TO THE DEPARTMENT;”;

in lines 3, 7, 9, 15, and 24, strike “(VIII)”, “(IX)”, “(X)”, “(E)”, and “(F)”, respectively, and substitute “(13)”, “(14)”, “(15)”, “(F)”, and “(H)”, respectively; strike in their entirety lines 11 through 14, inclusive; after line 23, insert:

“(4) IN ADDITION TO THE NOTICE REQUIRED IN TITLE 1, SUBTITLE 6 OF THIS ARTICLE, AN APPLICANT SHALL SEND WRITTEN NOTICE OF THE APPLICATION FOR A MANAGED AQUIFER RECHARGE PERMIT TO EACH OWNER OF A PROPERTY CONTAINING A WELL IDENTIFIED IN SUBSECTION (E)(7) OF THIS SECTION.

(5) A MANAGED AQUIFER RECHARGE PERMIT SHALL INCLUDE A REQUIREMENT TO:

(i) INITIATE A TRACER STUDY WITHIN 3 MONTHS AFTER THE DATE ON WHICH INJECTIONS BEGIN IN ORDER TO VERIFY THE RECLAIMED WATER’S RETENTION TIME IN THE AQUIFER UNDER HYDRAULIC CONDITIONS THAT ARE REPRESENTATIVE OF NORMAL OPERATIONS AT THE DEMONSTRATION FACILITY; AND



**(II) SUBMIT THE RESULTS OF THE TRACER STUDY TO THE DEPARTMENT AS SOON AS PRACTICABLE AFTER THE COMPLETION OF THE TRACER STUDY.**

**(G) THE DEPARTMENT SHALL ACCEPT APPLICATIONS FOR MANAGED AQUIFER RECHARGE PERMITS FROM JANUARY 2, 2026, TO JANUARY 3, 2028, BOTH INCLUSIVE.**;

and in line 30, after “FACILITY” insert “**AND IMPLEMENTATION OF ANY CONTINGENCY OR EMERGENCY PLAN**”.

On page 6, in line 1, strike “PERFORM THE PROCESS COVERED UNDER” and substitute “**COMPLY WITH**”; in lines 6, 20, and 27, strike “(G)”, “(H)”, and “(I)”, respectively, and substitute “(I)”, “(J)”, and “(K)”, respectively; in line 17, strike the second “OR”; in line 19, after “SATISFACTION” insert “;**OR**”

**(6) THE DEPARTMENT FINDS THAT THE PROPOSED GROUNDWATER AUGMENTATION MAY CREATE AN UNREASONABLE RISK TO PUBLIC HEALTH, SAFETY, OR THE ENVIRONMENT**;

in line 21, strike “10” and substitute “**5**”; in line 24, strike “OR PERIODS”; and in line 28, strike “ISSUED UNDER THIS SECTION”.

On page 7, in line 6, strike “INSPECTING THE PROCESS” and substitute “**INSPECTION**”; in lines 9 and 10, strike “TREATED RECLAIMED WATER FOR”; in line 11, after “PERMIT” insert “,**PRETREATMENT STANDARD,**”; in the same line, strike the second “A”; in line 17, after “ACT,” insert “**THIS SUBTITLE,**”; in line 21, strike “(J)” and substitute “(L)”; and in line 28, strike “EACH YEAR” and substitute “,**2028, AND EACH DECEMBER 31 THEREAFTER**”.

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On page 8, in line 9, strike “**(K)**” and substitute “**(M)**”; and in line 12, after “2025.” insert “It shall remain effective for a period of 11 years and, at the end of September 30, 2036, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.