

HOUSE BILL 25

M3

(PRE-FILED)

5lr0294
CF SB 265

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Environment)**

Requested: October 6, 2024

Introduced and read first time: January 8, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Reservoir Augmentation Permit – Establishment**

3 FOR the purpose of establishing the Reservoir Augmentation Program in the Department
4 of the Environment; requiring a person to obtain a permit from the Department to
5 perform reservoir augmentation; providing for the issuance, modification, renewal,
6 denial, or revocation of a reservoir augmentation permit under the Program;
7 requiring certain revenues to be used for the operation and oversight of the Program;
8 and generally relating to the establishment of the Reservoir Augmentation Program.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 1–601(a)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Environment
16 Section 9–301 and 9–320(b)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2024 Supplement)

19 BY adding to
20 Article – Environment
21 Section 9–303.4
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2024 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–320(a)
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2024 Supplement)

4 BY repealing and reenacting, with amendments,
5 Chapter 122 of the Acts of the General Assembly of 2023
6 Section 3

7 BY repealing and reenacting, with amendments,
8 Chapter 123 of the Acts of the General Assembly of 2023
9 Section 3

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

12 **Article – Environment**

13 1–601.

14 (a) Permits issued by the Department under the following sections shall be issued
15 in accordance with this subtitle:

16 (1) Air quality control permits to construct subject to § 2–404 of this article;

17 (2) Permits to install, materially alter, or materially extend landfill
18 systems, incinerators for public use, or rubble landfills subject to § 9–209 of this article;

19 (3) Permits to discharge pollutants to waters of the State issued pursuant
20 to § 9–323 of this article;

21 (4) Permits to install, materially alter, or materially extend a structure
22 used for storage or distribution of any type of sewage sludge issued, renewed, or amended
23 pursuant to § 9–234.1 or § 9–238 of this article;

24 (5) Permits to own, operate, establish, or maintain a controlled hazardous
25 substance facility issued pursuant to § 7–232 of this article;

26 (6) Permits to own, operate, or maintain a hazardous material facility
27 issued pursuant to § 7–103 of this article;

28 (7) Permits to own, operate, establish, or maintain a low–level nuclear
29 waste facility issued pursuant to § 7–233 of this article; **[and]**

30 (8) Potable reuse permits issued in accordance with § 9–303.2 of this
31 article; **AND**

1 **(9) PERMITS FOR RESERVOIR AUGMENTATION ISSUED IN**
2 **ACCORDANCE WITH § 9–303.4 OF THIS ARTICLE.**

3 9–301.

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

5 (b) “Board” means the Water Science Advisory Board.

6 (c) “CAFO” means a concentrated animal feeding operation, as defined in
7 Department regulations.

8 (d) “Discharge permit” means a permit issued by the Department for the
9 discharge of any pollutant or combination of pollutants into the waters of this State.

10 **(E) “DRINKING WATER TREATMENT FACILITY” MEANS A FACILITY THAT IS**
11 **USED TO TREAT WATER IN A PUBLIC WATER SYSTEM.**

12 ~~[(e)]~~ **(F)** “Person” includes the federal government, this State, any county,
13 municipal corporation, or other political subdivision of this State, or any of their units.

14 **(G) “PUBLIC WATER SYSTEM” HAS THE MEANING STATED IN § 9–401 OF THIS**
15 **TITLE.**

16 ~~[(f)]~~ **(H)** “Reclaimed water” means sewage that:

17 (1) Has been treated to a high quality suitable for various reuses; and

18 (2) Has a concentration of less than:

19 (i) 3 fecal coliform colonies per 100 milliliters;

20 (ii) 10 milligrams per liter of 5–day biological oxygen demand; and

21 (iii) 10 milligrams per liter of total suspended solids.

22 **(I) “RESERVOIR AUGMENTATION” MEANS THE PLANNED PLACEMENT OF**
23 **RECLAIMED WATER INTO A SURFACE WATER RESERVOIR USED AS A SOURCE FOR A**
24 **DRINKING WATER TREATMENT FACILITY.**

25 **(J) “RESERVOIR AUGMENTATION PERMIT” MEANS A PERMIT ISSUED BY**
26 **THE DEPARTMENT FOR RESERVOIR AUGMENTATION.**

27 ~~[(g)]~~ **(K)** “Sewage” means any human or animal excretion, domestic waste, or
28 industrial waste.

1 **[(h)] (L)** (1) “Sewerage system” means:

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

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

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

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

9 **9-303.4.**

10 **(A) THERE IS A RESERVOIR AUGMENTATION PROGRAM IN THE**
11 **DEPARTMENT.**

12 **(B) EXCEPT AS PROVIDED IN THIS SECTION, A PERSON MAY NOT PERFORM**
13 **RESERVOIR AUGMENTATION.**

14 **(C) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE DEPARTMENT**
15 **MAY ISSUE, MODIFY, OR RENEW A RESERVOIR AUGMENTATION PERMIT IF THE**
16 **DEPARTMENT FINDS THAT:**

17 **(1) THE TREATMENT PROCESS WILL MEET OR SURPASS STANDARDS**
18 **ESTABLISHED BY THE DEPARTMENT BEFORE WATER ENTERS THE RESERVOIR;**

19 **(2) THE TREATMENT PROCESS WILL MEET OR SURPASS STANDARDS**
20 **ESTABLISHED BY THE DEPARTMENT BEFORE WATER ENTERS THE DISTRIBUTION**
21 **SYSTEM; AND**

22 **(3) THE APPLICANT AGREES TO PROVIDE THE DEPARTMENT THE**
23 **RIGHT OF ENTRY ON THE PERMIT SITE AT ANY REASONABLE TIME TO INSPECT OR**
24 **INVESTIGATE FOR A VIOLATION OR POTENTIAL VIOLATION OF THE RESERVOIR**
25 **AUGMENTATION PERMIT.**

26 **(D) THE DEPARTMENT MAY INCLUDE IN A RESERVOIR AUGMENTATION**
27 **PERMIT ANY TERM, CONDITION, OR REQUIREMENT THAT THE DEPARTMENT DEEMS**
28 **APPROPRIATE TO PROTECT PUBLIC HEALTH OR THE ENVIRONMENT.**

29 **(E) THE PROVISIONS OF TITLE 1, SUBTITLE 6 OF THIS ARTICLE SHALL**
30 **GOVERN THE ISSUANCE OF POTABLE REUSE PERMITS.**

1 **(F) (1) A PERSON SHALL OBTAIN, ON WRITTEN APPLICATION TO THE**
2 **DEPARTMENT, A PERMIT FROM THE DEPARTMENT TO PERFORM RESERVOIR**
3 **AUGMENTATION.**

4 **(2) AN APPLICATION FOR A RESERVOIR AUGMENTATION PERMIT**
5 **SHALL INCLUDE:**

6 **(I) A FEASIBILITY STUDY SHOWING THE PURPOSE AND THE**
7 **NEED FOR THE RESERVOIR AUGMENTATION PROJECT, INCLUDING:**

8 **1. A DESCRIPTION AND TECHNICAL ANALYSIS OF THE**
9 **RESERVOIR AUGMENTATION PROJECT AND ALTERNATIVE OPTIONS; AND**

10 **2. THE COSTS ASSOCIATED WITH THE RESERVOIR**
11 **AUGMENTATION PROJECT AND ALTERNATIVE OPTIONS; AND**

12 **(II) ANY ADDITIONAL INFORMATION REQUESTED BY THE**
13 **DEPARTMENT.**

14 **(G) THE DEPARTMENT MAY REFUSE TO ISSUE A RESERVOIR**
15 **AUGMENTATION PERMIT IF:**

16 **(1) THE APPLICANT FAILS TO PROVIDE ANY INFORMATION**
17 **REQUESTED BY THE DEPARTMENT;**

18 **(2) THE APPLICANT FAILS OR REFUSES TO ALLOW THE DEPARTMENT**
19 **TO INSPECT THE PERMIT SITE;**

20 **(3) THE SOURCE OF THE RECLAIMED WATER FAILS TO COMPLY WITH**
21 **ANY STATE OR FEDERAL LAW, REGULATION, OR PERMIT;**

22 **(4) THE DEPARTMENT FINDS THAT THE ISSUANCE OF THE**
23 **RESERVOIR AUGMENTATION PERMIT WOULD VIOLATE ANY STATE OR FEDERAL LAW**
24 **OR ANY REGULATION ADOPTED UNDER STATE OR FEDERAL LAW; OR**

25 **(5) THE APPLICANT FAILS OR REFUSES TO PAY THE APPLICATION**
26 **FEE ESTABLISHED UNDER SUBSECTION (J) OF THIS SECTION.**

27 **(H) THE DEPARTMENT MAY NOT ISSUE A RESERVOIR AUGMENTATION**
28 **PERMIT FOR A TERM LONGER THAN 5 YEARS.**

29 **(I) THE DEPARTMENT MAY REVOKE A RESERVOIR AUGMENTATION PERMIT**
30 **IF THE DEPARTMENT FINDS THAT:**

1 **(1) THE APPLICATION INCLUDED FALSE OR INACCURATE**
2 **INFORMATION;**

3 **(2) CONDITIONS OR REQUIREMENTS OF THE RESERVOIR**
4 **AUGMENTATION PERMIT HAVE BEEN OR ARE ABOUT TO BE VIOLATED;**

5 **(3) SUBSTANTIAL DEVIATION FROM PLANS, SPECIFICATIONS, OR**
6 **REQUIREMENTS HAS OCCURRED OR IS ABOUT TO OCCUR;**

7 **(4) THE DEPARTMENT IS REFUSED ENTRY TO ANY PREMISES FOR**
8 **THE PURPOSE OF EVALUATING COMPLIANCE WITH THE RESERVOIR AUGMENTATION**
9 **PERMIT;**

10 **(5) A CHANGE IN CONDITIONS EXISTS THAT REQUIRES THE**
11 **TEMPORARY OR PERMANENT REDUCTION OR ELIMINATION OF THE USE OF**
12 **RECLAIMED WATER;**

13 **(6) THERE IS NONCOMPLIANCE WITH A DISCHARGE PERMIT OR**
14 **PRETREATMENT REGULATION ADOPTED BY THE DEPARTMENT THAT MAY AFFECT**
15 **THE RECLAIMED WATER;**

16 **(7) ANY REQUIREMENT ESTABLISHED UNDER THE FEDERAL SAFE**
17 **DRINKING WATER ACT, SUBTITLE 4 OF THIS TITLE, OR TITLE 12 OF THIS ARTICLE**
18 **HAS BEEN OR IS THREATENED TO BE VIOLATED; OR**

19 **(8) THE RECLAIMED WATER MAY THREATEN PUBLIC HEALTH,**
20 **SAFETY, COMFORT, OR THE ENVIRONMENT.**

21 **(J) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT**
22 **ESTABLISH:**

23 **(I) THE STANDARDS FOR RESERVOIR AUGMENTATION; AND**

24 **(II) THE APPLICATION, ISSUANCE, REVOCATION, AND**
25 **MODIFICATION OF A RESERVOIR AUGMENTATION PERMIT.**

26 **(2) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL SET A**
27 **REASONABLE APPLICATION FEE IN AN AMOUNT DESIGNATED TO COVER THE COST**
28 **OF ISSUING AND ADMINISTERING A RESERVOIR AUGMENTATION PERMIT UNDER THE**
29 **PROGRAM.**

1 been passed by a yea and nay vote supported by three-fifths of all the members elected to
2 each of the two Houses of the General Assembly, and shall take effect from the date it is
3 enacted. [Section 1 of this Act] **IT** shall remain effective through June 30, [2028] **2030**,
4 and, at the end of June 30, [2028] **2030**, [Section 1 of] this Act, with no further action
5 required by the General Assembly, shall be abrogated and of no further force and effect.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2025.