

SENATE BILL 265

M3

(PRE-FILED)

5lr0293
CF HB 25

By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Environment)**

Requested: October 6, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 11, 2025

CHAPTER _____

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, ~~9–303.2(o)~~, and 9–320(b)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 9–303.2(b) and 9–320(a)
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2024 Supplement)

4 BY adding to
5 Article – Environment
6 Section 9–303.4
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2024 Supplement)

9 ~~BY repealing and reenacting, without amendments,~~
10 ~~Article – Environment~~
11 ~~Section 9–320(a)~~
12 ~~Annotated Code of Maryland~~
13 ~~(2014 Replacement Volume and 2024 Supplement)~~

14 BY repealing and reenacting, with amendments,
15 Chapter 122 of the Acts of the General Assembly of 2023
16 Section 3

17 BY repealing and reenacting, with amendments,
18 Chapter 123 of the Acts of the General Assembly of 2023
19 Section 3

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

22 **Article – Environment**

23 1–601.

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

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

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

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

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

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

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

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

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

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

11 9–301.

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

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

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

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

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

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

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

24 [(f)] (H) “Reclaimed water” means sewage that:

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

26 (2) Has a concentration of less than:

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

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

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

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

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

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

~~[(h)]~~ **(L)** (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.

9–303.2.

(b) There is an Indirect Potable Reuse Pilot Program in the Department.

(c) (1) On or before December 31, 2024, the Department shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on:

[(1)] (I) The status of the Pilot Program;

[(2)] (II) Whether the Pilot Program should be extended or made permanent; and

[(3)] (III) Any statutory or regulatory changes that the Department recommends to permanently authorize the regulated use of reclaimed water as a source for drinking water treatment facilities, if appropriate.

(2) ON OR BEFORE DECEMBER 31, 2029, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE IMPLEMENTATION OF THE PILOT PROGRAM.

1 **9-303.4.**

2 (A) THERE IS A RESERVOIR AUGMENTATION PROGRAM IN THE
3 DEPARTMENT.

4 (B) EXCEPT AS PROVIDED IN THIS SECTION, A PERSON MAY NOT PERFORM
5 RESERVOIR AUGMENTATION.

6 (C) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE DEPARTMENT
7 MAY ISSUE, MODIFY, OR RENEW A RESERVOIR AUGMENTATION PERMIT IF THE
8 DEPARTMENT FINDS THAT:

9 (1) THE TREATMENT PROCESS WILL MEET OR SURPASS STANDARDS
10 ESTABLISHED BY THE DEPARTMENT BEFORE WATER ENTERS THE RESERVOIR;

11 (2) THE TREATMENT PROCESS WILL MEET OR SURPASS STANDARDS
12 ESTABLISHED BY THE DEPARTMENT BEFORE WATER ENTERS THE DISTRIBUTION
13 SYSTEM; AND

14 (3) THE APPLICANT AGREES TO PROVIDE THE DEPARTMENT THE
15 RIGHT OF ENTRY ON THE PERMIT SITE AT ANY REASONABLE TIME TO INSPECT OR
16 INVESTIGATE FOR A VIOLATION OR POTENTIAL VIOLATION OF THE RESERVOIR
17 AUGMENTATION PERMIT.

18 (D) THE DEPARTMENT MAY INCLUDE IN A RESERVOIR AUGMENTATION
19 PERMIT ANY TERM, CONDITION, OR REQUIREMENT THAT THE DEPARTMENT DEEMS
20 APPROPRIATE TO PROTECT PUBLIC HEALTH OR THE ENVIRONMENT.

21 (E) THE PROVISIONS OF TITLE 1, SUBTITLE 6 OF THIS ARTICLE SHALL
22 GOVERN THE ISSUANCE OF ~~POTABLE REUSE~~ RESERVOIR AUGMENTATION PERMITS.

23 (F) (1) A PERSON SHALL OBTAIN, ON WRITTEN APPLICATION TO THE
24 DEPARTMENT, A PERMIT FROM THE DEPARTMENT TO PERFORM RESERVOIR
25 AUGMENTATION.

26 (2) AN APPLICATION FOR A RESERVOIR AUGMENTATION PERMIT
27 SHALL INCLUDE:

28 (I) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
29 SUBSECTION, A FEASIBILITY STUDY SHOWING THE PURPOSE AND THE NEED FOR
30 THE RESERVOIR AUGMENTATION PROJECT, INCLUDING:

1 1. A DESCRIPTION AND TECHNICAL ANALYSIS OF THE
2 RESERVOIR AUGMENTATION PROJECT AND ALTERNATIVE OPTIONS; AND

3 2. THE COSTS ASSOCIATED WITH THE RESERVOIR
4 AUGMENTATION PROJECT AND ALTERNATIVE OPTIONS; AND

5 (ii) ANY ADDITIONAL INFORMATION REQUESTED BY THE
6 DEPARTMENT.

7 (3) A FEASIBILITY STUDY IS NOT REQUIRED FOR A RESERVOIR
8 AUGMENTATION PROJECT THAT WAS PREVIOUSLY APPROVED BY THE DEPARTMENT
9 UNDER THE INDIRECT POTABLE REUSE PILOT PROGRAM.

10 (g) THE DEPARTMENT MAY REFUSE TO ISSUE A RESERVOIR
11 AUGMENTATION PERMIT IF:

12 (1) THE APPLICANT FAILS TO PROVIDE ANY INFORMATION
13 REQUESTED BY THE DEPARTMENT;

14 (2) THE APPLICANT FAILS OR REFUSES TO ALLOW THE DEPARTMENT
15 TO INSPECT THE PERMIT SITE;

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

18 (4) THE DEPARTMENT FINDS THAT THE ISSUANCE OF THE
19 RESERVOIR AUGMENTATION PERMIT WOULD VIOLATE ANY STATE OR FEDERAL LAW
20 OR ANY REGULATION ADOPTED UNDER STATE OR FEDERAL LAW; OR

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

23 (h) THE DEPARTMENT MAY NOT ISSUE A RESERVOIR AUGMENTATION
24 PERMIT FOR A TERM LONGER THAN 5 YEARS.

25 (i) THE DEPARTMENT MAY REVOKE A RESERVOIR AUGMENTATION PERMIT
26 IF THE DEPARTMENT FINDS THAT:

27 (1) THE APPLICATION INCLUDED FALSE OR INACCURATE
28 INFORMATION;

29 (2) CONDITIONS OR REQUIREMENTS OF THE RESERVOIR
30 AUGMENTATION PERMIT HAVE BEEN OR ARE ABOUT TO BE VIOLATED;

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

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

6 **(5) A CHANGE IN CONDITIONS EXISTS THAT REQUIRES THE**
7 **TEMPORARY OR PERMANENT REDUCTION OR ELIMINATION OF THE USE OF**
8 **RECLAIMED WATER;**

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

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

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

17 **(J) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT**
18 **ESTABLISH:**

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

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

22 **(2) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL SET A**
23 **REASONABLE APPLICATION FEE IN AN AMOUNT ~~DESIGNATED~~ DESIGNED TO COVER**
24 **THE COST OF ISSUING AND ADMINISTERING A RESERVOIR AUGMENTATION PERMIT**
25 **UNDER THE PROGRAM.**

26 **(K) ALL REVENUES COLLECTED BY THE DEPARTMENT UNDER THIS**
27 **SECTION, INCLUDING APPLICATION FEES, PERMIT FEES, RENEWAL FEES, OR ANY**
28 **ADMINISTRATIVE PENALTY, CIVIL PENALTY, OR ANY FINE IMPOSED BY A COURT FOR**
29 **VIOLATIONS OF THIS SECTION, SHALL BE DISTRIBUTED TO A SPECIAL FUND, TO BE**
30 **USED ONLY FOR THE OPERATION AND OVERSIGHT OF THE RESERVOIR**
31 **AUGMENTATION PROGRAM.**

32 **(L) ON OR BEFORE DECEMBER 31, 2035, AND EVERY 5 YEARS THEREAFTER,**
33 **THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH**

1 **§ 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE**
2 **IMPLEMENTATION OF THE RESERVOIR AUGMENTATION PROGRAM.**

3 9-320.

4 (a) There is a Maryland Clean Water Fund.

5 (b) [The] **EXCEPT AS PROVIDED IN § 9-303.4 OF THIS SUBTITLE, THE**
6 following payments shall be made into the Maryland Clean Water Fund:

7 (1) All application fees, permit fees, renewal fees, and funds collected by
8 the Department under this subtitle, including any civil or administrative penalty or any
9 fine imposed by a court under the provisions of this subtitle;

10 (2) Any civil penalty or any fine imposed by a court under the provisions of
11 Title 5, Subtitle 5 of this article relating to water appropriation and use;

12 (3) Any civil or administrative penalty or any fine imposed by a court under
13 the provisions of Title 4, Subtitle 1 of this article;

14 (4) Any fees or funds that the Department collects under Subtitle 2, Part
15 III of this title and §§ 9-269 and 9-270 of this title and any civil or administrative penalty
16 or fine imposed by a court under the provisions of Subtitle 2 of this title; and

17 (5) Any fees or funds that the Department collects under Subtitle 24 of this
18 title and any civil or administrative penalty or fine imposed by a court under the provisions
19 of Subtitle 24 of this title.

20 **Chapter 122 of the Acts of 2023**

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
22 measure, is necessary for the immediate preservation of the public health or safety, has
23 been passed by a ye and nay vote supported by three-fifths of all the members elected to
24 each of the two Houses of the General Assembly, and shall take effect from the date it is
25 enacted. [Section 1 of this Act] **IT** shall remain effective through June 30, [2028] **2030**,
26 and, at the end of June 30, [2028] **2030**, [Section 1 of] this Act, with no further action
27 required by the General Assembly, shall be abrogated and of no further force and effect.

28 **Chapter 123 of the Acts of 2023**

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
30 measure, is necessary for the immediate preservation of the public health or safety, has
31 been passed by a ye and nay vote supported by three-fifths of all the members elected to
32 each of the two Houses of the General Assembly, and shall take effect from the date it is
33 enacted. [Section 1 of this Act] **IT** shall remain effective through June 30, [2028] **2030**,

1 and, at the end of June 30, [2028] **2030**, [Section 1 of] this Act, with no further action
2 required by the General Assembly, shall be abrogated and of no further force and effect.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.