

## **SB 265**

Uploaded by: Andrew Griffin

Position: FAV



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January 28, 2025

Legislative Position: Favorable  
Senate Bill 265  
Environment - Reservoir Augmentation Permit - Establishment  
Senate Education, Energy, and the Environment Committee

Dear Chairman Feldman and members of the committee:

Established in 1950, the Associated Utility Contractors of Maryland, Inc. (AUC) is dedicated to advancing the utility contracting industry across the state. Our mission is to foster strong relationships between utility contractors and their clients, uphold the highest professional standards within the industry, and elevate the reputation of utility professionals within the business community. We actively advocate for public policies that address industry challenges and contribute to improving Maryland's overall business environment.

As introduced, SB 265 establishes a formal Reservoir Augmentation Program within the Maryland Department of the Environment (MDE). As the statewide association representing the interests of underground utility contractors, AUC supports the establishment of this program and the associated permit.

The Reservoir Augmentation Permit will allow for the planned placement of reclaimed water into a surface water reservoir used as a source for a drinking water treatment facility. The permit will lead to more utility contracting professionals conducting this type of water utility work, funding to regulate the work and as stated in the bill's fiscal note, "the permit is expected to result in an increase in the number of water reuse projects in the State." As a founding member of the nationwide Clean Water Construction Coalition, increased funding and focus on Maryland's water infrastructure is a priority of AUC.

The establishment of this permit will also contribute to the state's efforts to promote water conservation and sustainability. The permit's requirements, such as the feasibility study and the right of entry for inspection, will ensure that reservoir augmentation projects are conducted in a safe and environmentally responsible manner.

Overall, SB 265 will have a positive impact on the underground utility industry, leading to increased economic activity and job creation.

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We urge the committee to issue a **favorable report on SB 265** and we look forward to working with the MDE to ensure its successful implementation.

Sincerely,

The Associated Utility Contractors of Maryland (AUC)

**SB0265-EEE\_MACo\_SUP.pdf**

Uploaded by: Dominic Butchko

Position: FAV



## **Senate Bill 265**

### *Environment – Reservoir Augmentation Permit – Establishment*

MACo Position: **SUPPORT**

To: Education, Energy, and the Environment  
Committee

Date: January 28, 2025

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** SB 265. This bill authorizes the Maryland Department of the Environment to create and administer a Reservoir Augmentation Permit for water treatment infrastructure.

As climate change becomes an enduring reality, one of the growing challenges for policymakers is how to establish patterns of smarter and less destructive resource use. One of the most critical resource use patterns to reform is water. Today, water infrastructure primarily operates in a linear fashion, where water is pumped in from a source, cleaned at a water treatment plant, and distributed into the community, after which it enters the wastewater treatment system, and is finally discharged after treatment. This linear process effectively builds in a level of waste as potable water or water which can be easily cleaned into potable water, is discharged instead of being recycled.

In Maryland and other jurisdictions, wastewater treatment technology already restores water back to a safe drinkable quality, meaning that final discharge meets the health and safety requirements to be re-entered into the system. SB 265 is innovative because – instead of relying on a more wasteful linear system – it gives counties a tool to develop more circular systems, reducing both waste and demand for increasingly limited supplies of fresh and usable water.

Counties support SB 265 as it creates another tool in the toolbox to serve our mutual constituents in smarter and more sustainable ways. For this reason, MACo urges the Committee to give SB 265 a **FAVORABLE** report.

**SB 265 - CBF - FAV.pdf**

Uploaded by: Matt Stegman

Position: FAV



# CHESAPEAKE BAY FOUNDATION

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*Environmental Protection and Restoration  
Environmental Education*

## Senate Bill 265

### Environment – Reservoir Augmentation Permit – Establishment

Date: January 28, 2025  
To: Education, Energy, & Environment Committee

Position: **Favorable**  
From: Matt Stegman,  
Maryland Staff Attorney

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Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 265, which creates a program and accompanying permit administered by the Maryland Department of the Environment (MDE) for reservoir augmentation using reclaimed water. CBF encourages the proliferation of technologies that treat wastewater to drinking water standards because they will also reduce nutrient pollution and other contaminants entering the Bay and its tributaries from point sources.

Modern wastewater treatment technologies are capable of producing high-quality effluent that requires little additional treatment to meet drinking water standards and technologies like reverse osmosis and granular activated carbon are among the few shown to be capable of removing persistent fluorinated chemicals, including per- and polyfluoroalkyl substances (PFAS). This is a growing concern as PFAS have been found at levels exceeding the EPA's 2024 Maximum Contaminant Levels in 73 community water systems throughout the state.<sup>1</sup>

Use of reclaimed water contributes to drinking water resiliency, which will only become more important in parts of Maryland due to climate change impacts. Aquifers on the lower eastern shore especially have already seen saltwater intrusion. Further, use of reclaimed water for drinking water has precedent in the state. Notably, there is an existing, successful pilot aquifer recharge from surface water infiltration project in Westminster, MD.

For the reasons stated above, **CBF urges the Committee's FAVORABLE report on SB 265.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

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<sup>1</sup> <https://storymaps.arcgis.com/stories/37f0d4c060e54a2793e241d100bfd0c9>

**MDE SB265 SWA.pdf**

Uploaded by: Jeremy Baker

Position: FWA





**The Maryland Department of the Environment  
Secretary Serena McIlwain**

***Senate Bill 265  
Environment – Reservoir Augmentation Permit – Establishment***

**Position:** Support with Amendments  
**Committee:** Environment and Transportation Committee  
**Date:** January 29, 2025  
**From:** Jeremy D. Baker, Director of Government Relations

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The Maryland Department of the Environment (MDE) **SUPPORTS SB 265 WITH AMENDMENTS.**

Senate Bill 265 grants the Maryland Department of the Environment (MDE) the authority to establish a Reservoir Augmentation Program, enabling MDE to permit and regulate water reuse systems for the planned placement of reclaimed water—treated wastewater—into surface water reservoirs that serve as sources for drinking water treatment. The bill is based on prior legislation (SB 407 of 2023) that established a pilot water reuse program for the City of Westminster.

The bill authorizes MDE to develop regulatory standards, issue permits, and oversee the reservoir augmentation process, which uses reclaimed water (treated wastewater) as source water for a drinking water treatment facility. Under the bill, the wastewater would be treated to drinking water standards and then sent to a surface water reservoir. The reservoir water would then be sent to a water treatment facility that treats the water to drinking water standards for a second time. This water is then distributed to the public. The bill would also transition MDE’s temporary innovative potable reuse (IPR) pilot program, which is set to expire in 2028, into the permanent Reservoir Augmentation Program, ensuring consistency and continuity. One application, for the City of Westminster has been received under this program.

The Reservoir Augmentation Program will incorporate the technical standards established under the IPR pilot program, including requirements that the reclaimed water must: (1) meet certain primary and secondary Maximum Contaminant Levels (MCL) before entering the distribution system; (2) be treated for pathogens; and (3) be tested for per- and polyfluoroalkyl substances (PFAS). The Reservoir Augmentation Program will align with other permitting programs and regulations for the system, such as the NPDES wastewater permit, the State Water Appropriation and Use Permit, the Safe Drinking Water Act and construction permits.

**Three Key Points on Water Reuse/Reservoir Augmentation**

- *More areas in Maryland are facing drinking water scarcity.* While Maryland has traditionally been a water rich state, it has always had local pockets, such as the City of

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Westminster, with drinking water scarcity. Population growth, changing weather patterns caused by climate change and salt water intrusion are putting more of the State's water supplies at risk. Senate Bill 265 makes the State more resilient and water secure.

- *Water Reuse/Reservoir Augmentation is beneficial to both the environment and economic development.* Water reuse can be very beneficial to the environment by reducing the need to uptake natural water, reducing stress on local waterways and aquifers. Water reuse also promotes growth and economic development in areas where water is a limiting factor.
- *Water Reuse/Reservoir Augmentation technology is well-established and safe.* Many other states, such as California and Texas, have been using water reuse technology safely for decades. The technology has also been implemented in various foreign countries as well. If you have traveled extensively, you have probably drank reclaimed water.

Senate Bill 265 exemplifies a forward-thinking approach to securing Maryland's water future amid the realities of a changing climate. MDE is offering two small technical amendments to the bill. Accordingly, MDE asks for a **FAVORABLE WITH AMENDMENTS** report for SB 265.

### **Amendments**

#### **AMENDMENT NO. 1**

[Terminology change - changes an incorrect reference of “potable reuse permits” to the correct reference of “reservoir augmentation permits”]

On page 4, in line 30, strike “**POTABLE REUSE**” and substitute “**RESERVOIR AUGMENTATION**”.

#### **AMENDMENT NO. 2**

[Technical change - discharge permits or pretreatment regulations can come from sources other than the Department, including federal regulations and memoranda of understanding between permit holders and local governments]

On page 6, in line 14, strike “**ADOPTED BY THE DEPARTMENT**”.

#### **AMENDMENT NO. 3**

[Minor Typo - replaces incorrect word “designated” with correct word “designed”]

On page 6, in line 27, strike “**DESIGNATED**” and substitute “**DESIGNED**”.

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