

# HOUSE BILL 486

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By: **Delegate Serafini**

Introduced and read first time: February 1, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Water Appropriation or Use Permits – Wells**

3 FOR the purpose of requiring a water appropriation or use permit to include  
4 provisions that prohibit the capping or elimination of certain wells and require  
5 the installation of a hand pump in certain wells; providing for the application of  
6 this Act; and generally relating to required provisions in water appropriation or  
7 use permits relating to wells.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 5–502  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2009 Supplement)

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

15 **Article – Environment**

16 5–502.

17 (a) Every person is required to obtain a permit from the Department to  
18 appropriate or use or begin to construct any plant, building, or structure which may  
19 appropriate or use any waters of the State, whether surface water or groundwater.  
20 The permit is obtained upon written application to the Department. The applicant  
21 shall provide the Department with satisfactory proof that the proposed withdrawal of  
22 water will not jeopardize the State's natural resources.

23 (b) This section does not apply to:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Use of water for domestic purposes other than for heating and  
2 cooling;

3 (2) Use of water for agricultural purposes, if the average annual water  
4 use is less than 10,000 gallons per day, except as provided in subsection (c)(2) of this  
5 section; or

6 (3) Use of groundwater at an average annual water use of 5,000  
7 gallons of water per day or less, provided that:

8 (i) 1. The use is not for a public water system that:

9 A. Serves at least 15 service connections used by  
10 year-round residents of the area served by the system; or

11 B. Regularly serves at least 25 year-round residents; or

12 2. The use will not occur within a water management  
13 strategy area established by the Department; and

14 (ii) The user files a notice of exemption with the Department at  
15 least 30 days before the use is proposed to begin.

16 (c) (1) The Department shall issue a permit to a person using water prior  
17 to July 1, 1988 for agricultural purposes upon written application to the Department.

18 (2) A person using less than an annual average of 10,000 gallons of  
19 water per day for agricultural purposes may apply for a permit to appropriate or use  
20 waters of the State.

21 (d) When the Department determines that a water supply emergency exists  
22 and available water supplies are inadequate in an area to meet the needs of all  
23 persons who have permits under this subtitle, the following uses shall have priority for  
24 appropriation or use of water in the order listed:

25 (1) Domestic and municipal uses for sanitation, drinking water, and  
26 public health and safety;

27 (2) Agricultural uses, including the processing of agricultural  
28 products; and

29 (3) All other uses.

30 (e) **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITHIN**  
31 **THE AREA WHERE A PERMIT APPLIES, A PERMIT SHALL INCLUDE PROVISIONS**  
32 **THAT:**

1                   **(I) PROHIBIT THE CAPPING OR ELIMINATION OF AN**  
2 **EXISTING WELL; AND**

3                   **(II) REQUIRE THE INSTALLATION OF A HAND PUMP IN AN**  
4 **EXISTING WELL THAT IS NOT EQUIPPED WITH A HAND PUMP.**

5                   **(2) THIS SUBSECTION DOES NOT APPLY IF WATER IN THE**  
6 **EXISTING WELL IS DETERMINED TO BE CONTAMINATED AND UNSUITABLE FOR**  
7 **HUMAN OR ANIMAL USE.**

8           **(F)** Notwithstanding any other provision of this subtitle, an application for a  
9 certificate of public convenience and necessity associated with power plant  
10 construction which involves use or diversion of waters of the State made to the Public  
11 Service Commission under the Public Utility Companies Article constitutes an  
12 application for the permit required by this section, and the provisions of § 3–306 of the  
13 Natural Resources Article apply. If an application is made to the Public Service  
14 Commission, the hearing provided for by this subtitle is not required. All evidence  
15 relevant to the purposes of this subtitle shall be presented at the hearing held by the  
16 Public Service Commission, as required by § 7–207 of the Public Utility Companies  
17 Article. The permit required by this subtitle is included in the certificate of public  
18 convenience and necessity issued by the Public Service Commission.

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2010.