

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

Senate Bill 729 (Senator Van Hollen. *et al.*)

Economic and Environmental Affairs

Potomac River Protection Act

This bill requires the Secretary of the Environment to submit the following reports to the General Assembly by July 1, 2002: (1) the 2000 Water Demand Forecast and Resource Availability Analysis for the Washington Metropolitan Area, prepared by the Interstate Commission on the Potomac River Basin; (2) the Potomac River Basin-Wide Water Demand Forecast, prepared by the Interstate Commission on the Potomac River Basin; and (3) Maryland's Source Water Assessment Program, prepared by the Maryland Department of the Environment (MDE).

The bill prohibits the Secretary of the Environment from issuing a permit for the construction of a water intake pipe into the Potomac River until six months after those reports have been submitted unless: (1) the new pipe will replace a pipe already in use; (2) the new pipe cannot be used concurrently with the pipe to be replaced; (3) the new pipe does not have the capacity to withdraw an amount of water that exceeds the amount of water authorized by the water appropriation permit by more than five million gallons of water per day; and (4) the new pipe will be placed at least 30 inches below the water surface at the Potomac River's historic low flow; or unless the Secretary determines that the issuance of a permit is in the public interest and if the water intake pipe meets specified conditions. The prohibition does not apply to a person who: (1) holds or applies for a permit to construct a water intake pipe or structure to withdraw water from the Potomac River; and (2) returns all or a majority of the water withdrawn to the Potomac River within three miles of the point of withdrawal.

The bill's provisions are severable, and the bill may not be construed to preempt, prevail over, or prohibit adoption of any ordinance, resolution, law, or rule more stringent than the bill.

The bill takes effect June 1, 2000.

Fiscal Summary

State Effect: This bill would not materially affect State operations or finances.

Local Effect: Minimal.

Small Business Effect: Minimal.

Analysis

Current Law: A person must have a permit to construct, reconstruct, change, or make an addition to a pipeline through or over the bed or waters of the Potomac. In addition to the permitting requirements, the Maryland Potomac Water Authority oversees the conservation, control, and use for beneficial service storm and floodwaters of the rivers and streams of the Potomac River watershed in the district.

Background: This bill addresses the assessment of threats to the Potomac River including pollution, construction, development along the shoreline, and allocation of water. The bill also addresses the issue of future planning for the environmental integrity of the river and the economic uses of the river.

The Fairfax County Water Authority, which draws millions of gallons of water from the Potomac River daily, has applied for a construction permit to replace its existing intake pipe. To date, the Maryland Department of the Environment has refused to issue the permit.

Additional Information

Prior Introductions: Similar legislation was introduced in the 1999 session as HB 615/SB 582. A conference committee was appointed in the House for SB 582. HB 615 passed the House with amendments and passed the Senate with amendments, and no further action was taken. SB 582 passed both houses in differing forms; the Senate adopted the conference report and the House did not.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Washington Suburban Sanitary Commission, *The Washington Post*, Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2000

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Revised - Senate Third Reader - March 27, 2000
Revised - Enrolled Bill - May 3, 2000

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