

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1527

(Delegate O'Donnell)

Environment and Transportation

Education, Health, and Environmental Affairs

Environment - Water Appropriation Permit - Aquaculture Exemption

This emergency bill exempts, from the requirement to obtain a water appropriation and use permit, the use of tidal waters for oyster aquaculture purposes, if the water is returned to the same body of water from which it is appropriated.

Fiscal Summary

State Effect: Because the bill is anticipated to apply to a limited number of entities, it is not expected to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: A permit must be obtained from the Maryland Department of the Environment (MDE) to appropriate or use or begin to construct any plant, building, or structure that may appropriate or use any waters of the State. This requirement does not apply to the use of water for domestic purposes other than for heating and cooling; agricultural purposes, under specified conditions; or *de minimus* groundwater users.

In addition to being subject to an injunctive action, a person who violates any provision of the Water Appropriation and Use Subtitle is liable for a civil penalty of up to \$5,000 to be collected in a civil action brought by MDE. Each day is a separate violation. Before bringing a civil action against a local government, MDE is required to meet and consult with the local government to seek an alternative resolution to the contested issue. Prior

consultation by MDE with the local government constitutes compliance with that requirement.

Small Business Effect: The bill has a positive impact on oyster aquaculture operations that are required to obtain a water appropriation and use permit under current law. MDE advises that the bill's exemption allows such operations to adapt to changing markets and water quality conditions, to add new intake locations as needed, or to change water withdrawal rates without obtaining a permit to do so. Further, the bill's exemption removes the need for these aquaculture operations to track and report their water use. According to MDE, this bill affects a small number of operations, which are all small businesses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Natural Resources, Department of Legislative Services

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