

~~(4) If Chapter ___ (H.B. 64) of the Acts of the General Assembly of 2000 takes effect, the report of the Task Force to Study the Minimum Flow Levels in the Potomac River.~~

(b) The Secretary of the Environment may not issue a permit for the construction of a water intake pipe into the Potomac River until 6 months after the Secretary of the Environment has submitted the reports required under subsection (a) of this section unless:

(1) The water intake pipe will meet the following conditions:

~~(1) (i)~~ The new pipe will replace a pipe already in use;

~~(2) (ii)~~ The new pipe cannot be used concurrently with the pipe to be replaced;

~~(3) (iii)~~ The new pipe ~~cannot~~ does not have the capacity to withdraw an amount of water that exceeds the amount of water authorized to be withdrawn by the water appropriation permit by more than 5 million gallons of water per day; and

~~(4) (iv)~~ The new pipe will be placed at least 30 inches below the water surface at the Potomac River's historic low flow; or

(2) (i) The Secretary determines that the issuance of a permit is in the public interest; and

(ii) The water intake pipe will meet the following conditions:

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 will be placed at least 30 inches below the water surface at the Potomac River's historic low flow;

4. The new pipe will not have the capacity to withdraw a greater quantity of water than the quantity of water that can be withdrawn by the existing intake; and

5. The new pipe will incorporate a physical component, that cannot be modified without the consent of the Department of the Environment, that will limit the capacity of the pipe for maximum daily withdrawal to the maximum amount authorized by the appropriation permit issued to the owner of the pipe under § 5-502 of the Environment Article.