

~~(1) THE PIPE WILL BE USED AS AN ALTERNATIVE FOR A PIPE ALREADY IN USE;~~

~~(2) THE PIPE CANNOT BE USED CONCURRENTLY WITH THE PIPE ALREADY IN USE;~~

~~(3) THE PIPE DOES NOT HAVE THE PHYSICAL CAPACITY TO WITHDRAW FROM THE POTOMAC RIVER AN AMOUNT OF WATER THAT EXCEEDS THE CAPACITY OF THE INTAKE ALREADY IN USE; AND~~

~~(4) THE PIPE IS PLACED NOT LESS THAN 30 INCHES BELOW THE WATER SURFACE AT THE RIVER'S HISTORIC LOW FLOW.~~

(a) The Secretary of the Environment shall submit the following reports to the General Assembly in accordance with § 2-1246 of the State Government Article:

(1) 2000 Water Demand Forecast and Resource Availability Analysis for the Washington Metropolitan Area, prepared by the Interstate Commission on the Potomac River Basin;

(2) 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 Department of the Environment.

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new pipe does not have the capacity to withdraw an amount of water that exceeds the amount of water authorized to be withdrawn by the water appropriation permit by more than 5 million gallons of water per day; and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

(c) Subsection (b) of this section 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(2) Returns all or a majority of the water withdrawn to the Potomac River within 3 miles of the point of withdrawal.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to preempt, prevail over, or prohibit adoption of any ordinance, resolution, law, or rule more stringent than this Act.