

3.15 WATER APPROPRIATION AND USE PERMIT

- ❑ *Question: Am I planning to perform an activity that withdraws water from the State's surface and/or underground waters?*

Why do I need this approval?

In order to conserve, protect, and use water resources of the State in the best interests of the people of Maryland, it is necessary to control the appropriation or use of surface and underground waters.

This permit is required for any activity that withdraws water from the State's surface and/or underground waters unless exempted below.

What laws or regulations give MDE the legal authority to issue this approval?

STATE: Environment Article, Title 5, §5-203 and §5-501 through §5-516 and §5-5B-01 through §5-5B-05, Annotated Code of Maryland; COMAR 26.17.06 and COMAR 26.17.07.

What is the process to get this approval?

- 1) Obtain local land use zoning approvals and check for consistency with county water and sewer plan.
- 2) Submit application for technical review and include:
 - a. Map of project location and service area or structure;
 - b. For subdivisions: a preliminary plat with lot sizes;
 - c. Explanation of water use;
 - d. Average daily use calculated on an annual basis;
 - e. For groundwater withdrawal, average daily use during the month of highest use; and
 - f. For surface water, maximum daily use.
- 3) Submit plans and specifications for any facility or structure or conduct and submit special evaluations as requested.
- 4) A site inspection may be performed by the Department to obtain additional information.
- 5) Appropriation requests for an annual average withdrawal of more than 10,000 gallons per day (gpd) (as a new request or increase) will receive a detailed package of instructions for completing the application. These instructions may include aquifer testing, other technical analysis and are provided after the applicant completes the one-page form. Agricultural users are provided technical assistance by MDE in the permitting process. All applicants proposing a new use of increase of 10,000 gpd will be required to include certified notification of contiguous property owners and certification of compliance with Business Occupations and Professions, Article 12, §205, Annotated Code of Maryland (water conservation technology).
- 6) Requests for an annual average withdrawal of more than 10,000 gpd as a new request or increase are advertised for a public information hearing.

Forms for notice of exemptions, locations of water management strategy areas and permit applications can be downloaded from the MDE website at http://mde.maryland.gov/programs/water/water_supply/Pages/wapformsandapps.aspx

Before I apply for this approval, do I need to get any approvals from the local or federal government?

County planning and zoning approval;
County water and sewer plan approval;

Is this approval directly related or contingent on other approvals?

- 3.14 Well construction permit
- 3.18 or 3.19 Wetlands permit
- 3.25 Waterway construction permit

Are there any other requirements?

EXEMPTION: Uses exempt from the water appropriation and use permit process are:

- 1) Extinguishing a fire;
- 2) Agricultural use under 10,000 gallons/day;
- 3) Individual domestic use except withdrawals for heating and cooling;
- 4) Temporary dewatering during construction if:
 - a) The duration of the dewatering including intermittent non-pumping periods is expected to be less than 30 days; and
 - b) The average water use does not exceed 10,000 gallons/day.
- 5) Other users of ground water less than 5,000 gpd as an annual average:
 - a. that is not for a community water system, as defined by the Safe Drinking Water Act; or;
 - b. that is not within a water management strategy area; and
 - c. the user files a notice of exemption with MDE at least 30 days prior to the beginning of the use or prior to the expiration date for an existing permitted use.

APPROVALS

PRE-APPROVAL: An applicant must provide satisfactory proof that the proposed withdrawal of water is reasonable and the impacts on the water resource and other users are acceptable. In addition, the proposed use must be consistent with the local planning and zoning requirements and the county water and sewer plan.

POST APPROVAL: The project must meet withdrawal limits and may be required to meet periodic reporting, environmental and other requirements specific to the permit.

How long should I expect it to take to get this approval once I submit a complete application?

Appropriation Requested	Turnaround Time
Under 10,000 gallons per day	90 days
10,000 gallons per day or more	18 months

Once I get this approval, how long will it last?

Maximum of twelve years

How much will this approval cost?

No fee.

Do I need to know any additional information?

The approved withdrawal must begin within two years of approval. Permits are subject to a review every three years and are not transferable to new ownership without written authorization by the Department.

Who do I contact with additional questions?

Robert Peoples
Water Supply Program
robert.peoples@maryland.gov
(410) 537-3714