

SENATE BILL 830

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M3

2001 Regular Session
(11r2517)

ENROLLED BILL

-- *Economic and Environmental Affairs/Environmental Matters* --

Introduced by **Senators Frosh, Astle, Blount, Bromwell, Collins, Currie,
Dyson, Green, Hollinger, Pinsky, Sfikas, Stone, and ~~Van Hollen~~ Van
Hollen, Conway, Harris, and Jacobs**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 627

1 AN ACT concerning

2 **Environment - Dredged Material Management**

3 FOR the purpose of prohibiting a person from redepositing dredged material in a
4 certain manner except when used under certain circumstances; authorizing a
5 person to redeposit a certain amount of dredged material after a certain date
6 and under certain circumstances; establishing an Executive Committee to
7 provide oversight in the development of plans for dredged material
8 management; providing for the membership of the Executive Committee;
9 providing for the frequency of meetings of the Executive Committee; requiring
10 the Executive Committee to perform certain duties; requiring the Executive
11 Committee to provide certain reports to the General Assembly in a certain
12 manner and by certain dates; defining certain terms; modifying certain
13 definitions; and generally relating to the management of dredged material.

14 BY repealing and reenacting, with amendments,

1 Article - Environment
2 Section 5-1101(a) and 5-1102
3 Annotated Code of Maryland
4 (1996 Replacement Volume and 2000 Supplement)

5 BY adding to
6 Article - Environment
7 Section 5-1104.2
8 Annotated Code of Maryland
9 (1996 Replacement Volume and 2000 Supplement)

10 Preamble

11 WHEREAS, The Chesapeake Bay and its tributaries are a precious resource to
12 all Marylanders; and

13 WHEREAS, The Port of Baltimore is a major economic component to the State
14 of Maryland providing employment and livelihood to Marylanders; and

15 WHEREAS, The Port of Baltimore requires maintaining and improving
16 shipping channels and berths to serve the international shipping industry; and

17 WHEREAS, The State of Maryland should have a long-range dredged material
18 management plan that is effective and environmentally sound; now, therefore,

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Environment**

22 5-1101.

23 (a) In this subtitle the following words have the meanings indicated.

24 (1) ["Spoil" means earth, rock, soil, waste matter, muck, or other
25 material excavated or dredged from Baltimore Harbor and approach channels.]
26 "DREDGED MATERIAL" MEANS EARTH, SAND, SILT, SEDIMENT, SHELL, ROCK, SOIL,
27 WASTE MATTER, OR OTHER MATERIAL EXCAVATED OR DREDGED FROM THE
28 CHESAPEAKE BAY AND ITS TRIBUTARY WATERS.

29 (2) "Baltimore County tributary [spoil] DREDGED MATERIAL" means
30 earth, rock, soil, waste matter, muck, or other materials excavated or dredged from an
31 approved dredging project in any of the Baltimore County tributaries of the
32 Chesapeake Bay.

33 (3) "Redeposit" means to dump, scatter, pour, or otherwise deposit
34 [spoil] DREDGED MATERIAL [or, if made applicable by the provisions of this subtitle

1 or Title 5 of the Natural Resources Article, Baltimore County tributary spoil in a
2 confined manner].

3 (4) "Baltimore Harbor" means the waterway which consists of the tidal
4 portions of Patapsco River and its tributaries lying westward of a line extending from
5 Rock Point in Anne Arundel County to North Point in Baltimore County.

6 (5) (i) "Sewage sludge" means the accumulated semiliquid suspension
7 of settled solids, or dried residue of these solids, that is deposited from sewage in
8 wastewater treatment plant tanks or basins.

9 (ii) "Sewage sludge" includes raw untreated sewage disposed from
10 the Back River Sewage Treatment Plant.

11 (6) "Deep trough" means any region that:

12 (i) Is south of the Chesapeake Bay Bridge and north of a line
13 extending westerly from Bloody Point; and

14 (ii) Has a depth that exceeds 60 feet.

15 (7) "BENEFICIAL USE OF DREDGED MATERIAL" MEANS ANY OF THE
16 FOLLOWING USES OF DREDGED MATERIAL FROM THE CHESAPEAKE BAY AND ITS
17 TRIBUTARY WATERS PLACED INTO WATERS OR ONTO BOTTOMLAND OF THE
18 CHESAPEAKE BAY OR ITS TIDAL TRIBUTARIES, INCLUDING BALTIMORE HARBOR:

19 (I) THE RESTORATION OF UNDERWATER GRASSES;

20 (II) THE RESTORATION OF ISLANDS;

21 (III) THE STABILIZATION OF ERODING SHORELINES;

22 (IV) THE CREATION OR RESTORATION OF WETLANDS; AND

23 (V) THE CREATION, RESTORATION, OR ENHANCEMENT OF FISH OR
24 SHELLFISH HABITATS.

25 (8) "INNOVATIVE REUSE" INCLUDES THE USE OF DREDGED MATERIAL
26 IN THE DEVELOPMENT OR MANUFACTURING OF COMMERCIAL, INDUSTRIAL,
27 HORTICULTURAL, AGRICULTURAL, OR OTHER PRODUCTS.

28 5-1102.

29 (a) A person may not [dump, deposit, or scatter] REDEPOSIT in an unconfined
30 manner [spoil] DREDGED MATERIAL from Baltimore Harbor into or onto any portion
31 of the water or bottomland of the Chesapeake Bay or of the tidewater portions of any
32 of the Chesapeake Bay's tributaries outside of Baltimore Harbor. However, the [spoil]
33 DREDGED MATERIAL may be redeposited in contained areas approved by the
34 Department.

1 (b) A person may not [dump, deposit, or scatter] REDEPOSIT in an unconfined
2 manner Baltimore County tributary [spoil] DREDGED MATERIAL into or onto any
3 portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions
4 of any of the Chesapeake Bay's tributaries within 5 miles of the Hart-Miller-Pleasure
5 Island chain in Baltimore County.

6 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON
7 MAY NOT REDEPOSIT IN AN UNCONFINED MANNER DREDGED MATERIAL INTO OR
8 ONTO ANY PORTION OF THE WATER OR BOTTOMLAND OF THE CHESAPEAKE BAY OR
9 OF THE TIDEWATER PORTION OF ANY OF THE CHESAPEAKE BAY'S TRIBUTARIES
10 EXCEPT WHEN USED FOR A BENEFICIAL USE PROJECT UNDERTAKEN IN
11 ACCORDANCE WITH STATE AND FEDERAL LAWS. HOWEVER, THE DREDGED
12 MATERIAL MAY BE REDEPOSITED IN CONTAINED AREAS APPROVED BY THE
13 DEPARTMENT.

14 (D) (1) BEGINNING OCTOBER 1, 2001, SUBJECT TO PARAGRAPH (2) OF THIS
15 SUBSECTION, AND IN ACCORDANCE WITH STATE AND FEDERAL LAW, A PERSON MAY
16 REDEPOSIT UP TO 7.4 MILLION CUBIC YARDS OF DREDGED MATERIAL INTO OR ONTO
17 ANY PORTION OF THE WATER ~~OR, BOTTOMLAND OF THE CHESAPEAKE BAY,~~ OR THE
18 TIDEWATER PORTIONS *OF THE CHESAPEAKE BAY* COLLECTIVELY KNOWN AS POOLES
19 ISLAND, INCLUDING G-WEST AND SITE 92.

20 (2) THE REDEPOSIT OF DREDGED MATERIAL AUTHORIZED UNDER THIS
21 SUBSECTION MAY NOT OCCUR AFTER THE SOONER OF:

22 (I) DECEMBER 31, 2010; OR

23 (II) THE INITIATION OF THE PLACEMENT OF DREDGED MATERIAL
24 IN ANY SITE OR SITES APPROVED PURSUANT TO THE PROCESS ESTABLISHED IN §
25 5-1104.2(D)(1) IF THE TOTAL CAPACITY OF THE APPROVED SITE OR SITES, WHEN
26 COMBINED WITH THE APPROVED CAPACITY OF EXISTING PLACEMENT SITES
27 IDENTIFIED IN THE OCTOBER 1, 2000 REPORT TO THE MARYLAND GENERAL
28 ASSEMBLY REGARDING THE GOVERNOR'S STRATEGIC PLAN FOR DREDGED
29 MATERIAL MANAGEMENT, PROVIDE 20 YEARS OF PLACEMENT CAPACITY FOR
30 DREDGED MATERIAL.

31 [(c)] (E) A person may not dump, deposit, scatter, or release sewage sludge by
32 any means, including discharge from a sewer or pipe, into or onto any portion of the
33 water or bottomland of the Chesapeake Bay or of the tidewater portions of any of the
34 Chesapeake Bay's tributaries within 5 miles of the Hart-Miller-Pleasure Island
35 chain in Baltimore County.

36 [(d)] (F) A person may not [dump, deposit, or scatter any earth, rock, soil,
37 waste matter, muck,] REDEPOSIT DREDGED MATERIAL or other material excavated
38 or dredged from the Chesapeake Bay or its tidal tributaries into or onto the area of
39 the bottomlands or waters of the Chesapeake Bay known as the deep trough.

1 5-1104.2.

2 (A) THERE IS AN EXECUTIVE COMMITTEE CREATED TO PROVIDE OVERSIGHT
3 IN THE DEVELOPMENT OF THE STATE OF MARYLAND'S PLANS FOR DREDGED
4 MATERIAL MANAGEMENT.

5 (B) (I) THE EXECUTIVE COMMITTEE SHALL CONSIST OF:

6 ~~(1)~~ (I) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S
7 DESIGNEE;

8 ~~(2)~~ (II) THE SECRETARY OF NATURAL RESOURCES, OR THE
9 SECRETARY'S DESIGNEE;

10 ~~(3)~~ (III) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S
11 DESIGNEE;

12 ~~(4)~~ ~~A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,~~
13 ~~PHILADELPHIA DISTRICT;~~

14 ~~(5)~~ ~~A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,~~
15 ~~BALTIMORE DISTRICT;~~

16 ~~(6)~~ (IV) A REPRESENTATIVE OF THE CHESAPEAKE BAY FOUNDATION,
17 DESIGNATED BY THE CHESAPEAKE BAY FOUNDATION;

18 ~~(7)~~ (V) A REPRESENTATIVE OF THE MANAGEMENT COMMITTEE OF
19 THE DREDGED MATERIAL PLACEMENT PROGRAM; AND

20 ~~(8)~~ (VI) A CITIZEN REPRESENTATIVE, APPOINTED BY THE GOVERNOR.

21 (2) THE GOVERNOR SHALL INVITE THE FOLLOWING PEOPLE TO SERVE
22 AS MEMBERS OF THE EXECUTIVE COMMITTEE:

23 (I) A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,
24 PHILADELPHIA DISTRICT; AND

25 (II) A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,
26 BALTIMORE DISTRICT.

27 (C) THE EXECUTIVE COMMITTEE SHALL MEET AS NEEDED, BUT NOT LESS
28 THAN SEMIANNUALLY.

29 (D) THE EXECUTIVE COMMITTEE SHALL:

30 (1) REVIEW AND RECOMMEND TO THE GOVERNOR DREDGED MATERIAL
31 PLACEMENT OPTIONS, INCLUDING, BUT NOT LIMITED TO, THE PLACEMENT SITES
32 IDENTIFIED IN THE OCTOBER 1, 2000 REPORT TO THE MARYLAND GENERAL
33 ASSEMBLY REGARDING THE GOVERNOR'S STRATEGIC PLAN FOR DREDGED
34 MATERIAL MANAGEMENT, TO FILL SHORT-TERM CAPACITY NEEDS AS SPECIFIED IN
35 § 5-1102(D)(2)(II);

1 (2) REVIEW AND RECOMMEND TO THE GOVERNOR ELEMENTS, AS PART
2 OF A CONTINUOUS AND LONG-TERM STRATEGIC PLAN FOR DREDGED MATERIAL
3 MANAGEMENT, INCLUDING CHANGES TO THE PLAN; AND

4 (3) REVIEW AND RECOMMEND TO THE GOVERNOR DREDGED MATERIAL
5 DISPOSAL SITES FOR LONG-TERM DREDGED MATERIAL PLACEMENT CAPACITY
6 BASED ON THE FOLLOWING HIERARCHY:

7 (I) BENEFICIAL USE AND INNOVATIVE REUSE OF DREDGED
8 MATERIAL;

9 (II) UPLAND SITES AND OTHER ENVIRONMENTALLY SOUND
10 CONFINED CAPACITY;

11 (III) EXPANSION OF EXISTING DREDGED MATERIAL DISPOSAL
12 CAPACITY OTHER THAN THE HART-MILLER ISLAND DREDGED MATERIAL
13 CONTAINMENT FACILITY AND AREAS COLLECTIVELY KNOWN AS POOLES ISLAND,
14 INCLUDING G-WEST AND SITE 92; AND

15 (IV) OTHER DREDGED MATERIAL PLACEMENT OPTIONS TO MEET
16 LONG-TERM PLACEMENT NEEDS, EXCEPT FOR REDEPOSITING DREDGED MATERIAL
17 IN AN UNCONFINED MANNER.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Executive Committee
19 established under this Act shall submit a report, subject to § 2-1246 of the State
20 Government Article, to the General Assembly: (a) on or before December 31, 2001, on
21 the implementation of this Act; and (b) on or before December 31, 2002, on
22 recommendations for a strategic long-term dredged material management plan for
23 Maryland.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2001.