

## CHAPTER 257

(House Bill 893)

AN ACT concerning

### **Bay Restoration Fund – Wastewater Treatment Facilities Upgrades – Reporting Requirements**

FOR the purpose of requiring the Department of the Environment and the Department of Planning annually to make a certain joint report to certain persons on or before a certain date regarding the impact of certain upgraded wastewater treatment facilities on growth, ~~schools, hospitals, and other public facilities~~ in certain municipalities; municipalities and counties; requiring the departments to include in the report certain information and determine, in consultation with and with the assistance of certain persons, other information to be included in the report; and generally relating to upgraded wastewater treatment facilities in the State.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 9–1605.2(a)  
Annotated Code of Maryland  
(1996 Replacement Volume and 2006 Supplement)

BY adding to  
Article – Environment  
Section 9–1605.2(k)  
Annotated Code of Maryland  
(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–1605.2(k)  
Annotated Code of Maryland  
(1996 Replacement Volume and 2006 Supplement)

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

#### **Article – Environment**

9-1605.2.

(a) (1) There is a Bay Restoration Fund.

(2) It is the intent of the General Assembly that the Bay Restoration Fund be:

(i) Used, in part, to provide the funding necessary to upgrade any of the wastewater treatment facilities that are located in the State or used by citizens of the State in order to achieve enhanced nutrient removal where it is cost-effective to do so; and

(ii) Available for treatment facilities discharging into the Atlantic Coastal Bays or other waters of the State, but that priority be given to treatment facilities discharging into the Chesapeake Bay.

(3) The Bay Restoration Fund shall be maintained and administered by the Administration in accordance with the provisions of this section and any rules or program directives as the Secretary or the Board may prescribe.

(4) There is established a Bay Restoration Fee to be paid by any user of a wastewater facility, an onsite sewage disposal system, or a holding tank that:

(i) Is located in the State; or

(ii) Serves a Maryland user and is eligible for funding under this subtitle.

**(K) (1) BEGINNING ~~DECEMBER 1, 2008~~ JANUARY 1, 2009, AND EVERY YEAR THEREAFTER, THE DEPARTMENT AND THE DEPARTMENT OF PLANNING SHALL JOINTLY REPORT ON THE IMPACT THAT A WASTEWATER TREATMENT FACILITY THAT WAS UPGRADED TO ENHANCED NUTRIENT REMOVAL DURING THE CALENDAR YEAR BEFORE THE PREVIOUS CALENDAR YEAR WITH FUNDS FROM THE BAY RESTORATION FUND HAD ON:**

**~~(1)~~ GROWTH WITHIN THE MUNICIPALITY OR COUNTY IN WHICH THE WASTEWATER TREATMENT FACILITY IS LOCATED, INCLUDING:**

**~~1. THE NUMBER OF PERMITS ISSUED FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT; AND~~**

~~2. WHETHER THE NUMBER OF PERMITS ISSUED FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT HAS INCREASED OR DECREASED AS A RESULT OF THE UPGRADED WASTEWATER TREATMENT FACILITY; AND~~

~~(H) SCHOOLS, HOSPITALS, AND ANY OTHER PUBLIC FACILITIES IN THE MUNICIPALITY IN WHICH THE WASTEWATER TREATMENT FACILITY IS LOCATED.~~

~~(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL ALSO CONTAIN THE MUNICIPALITY'S PLAN, IF ANY, FOR ACCOMMODATING ADDITIONAL GROWTH AS A RESULT OF THE UPGRADED WASTEWATER TREATMENT FACILITY.~~

(2) (I) IN PREPARING THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF PLANNING SHALL:

1. INCLUDE THE NUMBER OF PERMITS ISSUED FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT TO BE SERVED BY THE UPGRADED WASTEWATER TREATMENT FACILITY; AND

2. DETERMINE WHAT OTHER APPROPRIATE INFORMATION IS TO BE INCLUDED IN THE REPORT.

(II) IN DETERMINING THE INFORMATION THAT SHOULD BE INCLUDED IN THE REPORT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF PLANNING SHALL ACT:

1. IN CONSULTATION WITH THE BAY RESTORATION FUND ADVISORY COMMITTEE; AND

2. WITH THE ASSISTANCE OF THE MUNICIPALITY AND COUNTY IN WHICH AN UPGRADED WASTEWATER TREATMENT FACILITY IS LOCATED.

(3) THE DEPARTMENT AND THE DEPARTMENT OF PLANNING SHALL SUBMIT THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS

**SUBSECTION TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, AND THE GOVERNOR, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.**

[(k)] (L) The Department shall adopt regulations that are necessary or appropriate to carry out the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.

**Approved by the Governor, April 24, 2007.**