

# HOUSE BILL 1208

M3

3lr2891

---

By: **Delegate Hershey**

Introduced and read first time: February 8, 2013

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Bay Restoration Fee – Exemption – On-Site Sewage Disposal System Using**  
3 **Best Available Technology**

4 FOR the purpose of exempting a user of an on-site sewage disposal system that  
5 utilizes the best available technology for nitrogen removal from paying a Bay  
6 Restoration Fee; correcting a technical error; and generally relating to the Bay  
7 Restoration Fee.

8 BY repealing and reenacting, without amendments,  
9 Article – Environment  
10 Section 9–1605.2(a)  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Environment  
15 Section 9–1605.2(c)  
16 Annotated Code of Maryland  
17 (2007 Replacement Volume and 2012 Supplement)

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

20 **Article – Environment**

21 9–1605.2.

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

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

13 (i) Is located in the State; or

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

16 (c) **(1)** A user of a wastewater facility is exempt from paying the  
 17 restoration fee if:

18 **[(1) (i) 1.] (I) 1. A.** The user's wastewater facility's average  
 19 annual effluent nitrogen and phosphorus concentrations, as reported in the facility's  
 20 State discharge monitoring reports for the previous calendar year, demonstrate that  
 21 the facility is achieving enhanced nutrient removal, as defined under § **[9-1601(m)]**  
 22 **9-1601(N)** of this subtitle; or

23 **[2.] B.** The Department has determined that the  
 24 wastewater facility does not discharge nitrogen or phosphorus and is not required to  
 25 monitor for nitrogen or phosphorus in its discharge permit; and

26 **[(ii)] 2.** The user's wastewater facility has not received a  
 27 State or federal grant for that facility;

28 **[(2) (i)] (II) 1.** The user's wastewater facility discharges to  
 29 groundwater and the annual average nutrient concentrations in the wastewater prior  
 30 to discharge to groundwater have not exceeded 3 milligrams per liter total nitrogen  
 31 and 0.3 milligrams per liter total phosphorus, as demonstrated by analysis of the  
 32 groundwater from monitoring wells located on the property and as reported in  
 33 discharge monitoring reports for the previous calendar year; and

1                    [(ii)] 2. The user's wastewater facility has not received a  
2 federal or State grant for that facility; or

3                    [(3)] (III) The Department determines that:

4                    [(i)] 1. The user's wastewater facility discharges noncontact  
5 cooling water, water from dewatering operations, or reclaimed wastewater from a  
6 facility whose users pay in to the Fund; and

7                    [(ii)] 2. The discharge does not result in a net increase in  
8 loading of nutrients compared to the intake water.

9                    (2) A USER OF AN ON-SITE SEWAGE DISPOSAL SYSTEM IS EXEMPT  
10 FROM PAYING THE RESTORATION FEE IF THE USER'S ON-SITE SEWAGE  
11 DISPOSAL SYSTEM UTILIZES THE BEST AVAILABLE TECHNOLOGY FOR NITROGEN  
12 REMOVAL AS DEFINED IN § 9-1108 OF THIS TITLE.

13                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2013.