

SENATE BILL 575

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3lr0556

By: **Senators Simonaire, Benson, Dyson, Ferguson, Jennings, Montgomery, Reilly, and Young**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2013

CHAPTER _____

1 AN ACT concerning

2 **Environment – Maryland Clean Water Fund – ~~Uses~~ Annual Report**

3 FOR the purpose of requiring the Department of the Environment to ~~use certain~~
4 ~~penalties or fines that are paid into the Maryland Clean Water Fund to restore~~
5 ~~or improve certain areas associated with the penalty or fine; making certain~~
6 ~~technical changes~~ report on the status of the Maryland Clean Water Fund to
7 certain committees of the General Assembly on or before a certain date each
8 year; and generally relating to ~~uses of~~ the Maryland Clean Water Fund.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 9–320
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2012 Supplement)

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

16 **Article – Environment**

17 9–320.

18 (a) There is a Maryland Clean Water Fund.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) The following payments shall be made into the Maryland Clean Water
2 Fund:

3 (1) All application fees, permit fees, renewal fees, and funds collected
4 by the Department under this subtitle, including any civil or administrative penalty or
5 any fine imposed by a court under the provisions of this subtitle;

6 (2) Any civil penalty or any fine imposed by a court under the
7 provisions of Title 5, Subtitle 5 of this article relating to water appropriation and use;

8 (3) Any civil or administrative penalty or any fine imposed by a court
9 under the provisions of Title 4, Subtitle 1 of this article; and

10 (4) Any fees or funds that the Department collects under Subtitle 2,
11 Part III of this title and §§ 9–269 and 9–270 of this title and any civil or
12 administrative penalty or fine imposed by a court under the provisions of Subtitle 2 of
13 this title.

14 (c) ~~(1)~~ The Department shall use the Maryland Clean Water Fund for
15 activities that are related to:

16 ~~{(1)}~~ ~~(I)~~ The identification, monitoring, and regulation of the proper
17 discharge of effluent into the waters of the State including program development of
18 these activities as provided by the State budget;

19 ~~{(2)}~~ ~~(II)~~ The management, conservation, protection, and preservation
20 of the State's groundwater and surface water including program development of these
21 activities as provided by the State budget;

22 ~~{(3)}~~ ~~(III)~~ Correcting to the extent possible the failure to implement or
23 maintain erosion and sediment controls;

24 ~~{(4)}~~ ~~(IV)~~ Administration of the sediment control program;

25 ~~{(5)}~~ ~~(V)~~ Emergency removal of sewage sludge or mitigation of the
26 effect of any utilization of sewage sludge that the Department finds:

27 ~~{(i)}~~ ~~1~~ Endangers public health, safety, or welfare; or

28 ~~{(ii)}~~ ~~2~~ Endangers or damages natural resources;

29 ~~{(6)}~~ ~~(VI)~~ Activities that are:

30 ~~{(i)}~~ ~~1~~ Conducted by the Department, by a local health
31 official, or by the local health official's designee under § 9–243(e) of this title; and

1 ~~[(ii)] 2.~~ Related to identifying, monitoring, or regulating the
2 utilization of sewage sludge, including program development; and

3 ~~[(7)] (vii)~~ Providing supplemental inspections and monitoring of
4 sewage sludge utilization sites by:

5 ~~[(i)] 1.~~ Contracting with a county on request of that county to
6 provide supplemental inspections and monitoring; and

7 ~~[(ii)] 2.~~ Limiting the value of services provided under the
8 contract to no more than 45% of the generator fees for sludge utilized in that county
9 that is generated outside of that county or service area.

10 ~~(2) THE DEPARTMENT SHALL USE ANY CIVIL OR~~
11 ~~ADMINISTRATIVE PENALTY OR FINE THAT IS PAID INTO THE MARYLAND CLEAN~~
12 ~~WATER FUND TO RESTORE OR IMPROVE:~~

13 ~~(i) THE AREA ASSOCIATED WITH THE PENALTY OR FINE; OR~~

14 ~~(ii) AN AREA THAT IS SIMILAR IN BIOLOGICAL FUNCTION TO~~
15 ~~THE AREA ASSOCIATED WITH THE PENALTY OR FINE, WITH PREFERENCE GIVEN~~
16 ~~TO AREAS IN CLOSE PROXIMITY TO THE AREA ASSOCIATED WITH THE PENALTY~~
17 ~~OR FINE.~~

18 (d) An expenditure that the Department makes under subsection ~~[(c)(5)]~~
19 ~~(c)(1)(v)~~ of this section shall be reimbursed to the Department by the sewage sludge
20 user whose sewage sludge utilization brought about the expenditure by:

21 (1) Endangering public health, safety, or welfare; or

22 (2) Endangering or damaging natural resources.

23 (e) In addition to any other legal action authorized by this subtitle, the
24 Attorney General may bring an action against any person who fails to reimburse the
25 Department under subsection (d) of this section to recover any expenditure that the
26 Department makes under subsection ~~[(c)(5)] (c)(1)(v)~~ of this section.

27 (f) In determining the use of the Maryland Clean Water Fund, priority shall
28 be given to activities relating to the water quality of the Chesapeake Bay and its
29 tributaries.

30 (g) Notwithstanding any law to the contrary, funds credited and any interest
31 accrued to the Fund:

32 (1) Shall remain available until expended; and

1 (2) May not be reverted to the General Fund under any other
2 provision of law.

3 **(H) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE DEPARTMENT**
4 **SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL**
5 **AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENTAL MATTERS**
6 **COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**
7 **ARTICLE, ON THE STATUS OF THE MARYLAND CLEAN WATER FUND, INCLUDING**
8 **A DETAILED DESCRIPTION OF ALL REVENUES AND EXPENDITURES OF THE FUND**
9 **FOR THE PREVIOUS YEAR.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.