

SENATE BILL 343

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7lr1309
CF HB 384

By: **Senators Eckardt, Ready, Serafini, ~~and Waugh~~ Waugh, and Simonaire**

Introduced and read first time: January 25, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2017

CHAPTER _____

1 AN ACT concerning

2 **Bay Restoration Fund – Eligible Costs – Expansion**

3 FOR the purpose of altering the definition of “eligible costs” as it relates to projects that
4 receive funding from the Bay Restoration Fund to include any wastewater facility
5 upgrade to enhanced nutrient removal, as determined by the Department of the
6 Environment; making conforming changes; and generally relating to the Bay
7 Restoration Fund.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 9–1605.2(i)(1)
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2016 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Environment
15 Section 9–1605.2(i)(2)
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2016 Supplement)

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

20 **Article – Environment**

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 9–1605.2.

2 (i) (1) In this subsection, “eligible costs” means the additional costs that would
3 be attributable to upgrading a wastewater facility [from biological nutrient removal] to
4 enhanced nutrient removal, as determined by the Department.

5 (2) Funds in the Bay Restoration Fund shall be used only:

6 (i) To award grants for up to 100% of eligible costs of projects
7 relating to planning, design, construction, and upgrade of a wastewater facility for flows up
8 to the design capacity of the wastewater facility, as approved by the Department, to achieve
9 enhanced nutrient removal in accordance with paragraph (3) of this subsection;

10 (ii) In fiscal years 2016 and thereafter, for up to 87.5% of the total
11 cost of projects, as approved by the Department, relating to combined sewer overflows
12 abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including
13 pumping stations;

14 (iii) In fiscal years 2010 and thereafter, for a portion of the operation
15 and maintenance costs related to the enhanced nutrient removal technology, which may
16 not exceed 10% of the total restoration fee collected from users of wastewater facilities
17 under this section by the Comptroller annually;

18 (iv) In fiscal years 2018 and thereafter, after payment of outstanding
19 bonds and the allocation of funds to other required uses of the Bay Restoration Fund for
20 funding in the following order of priority:

21 1. For funding ~~on~~ **THE ELIGIBLE COSTS TO** upgrade ~~of~~ a
22 wastewater facility to enhanced nutrient removal at wastewater facilities with a design
23 capacity of 500,000 gallons or more per day;

24 2. For funding ~~for~~ **THE ELIGIBLE COSTS OF** the most
25 cost-effective enhanced nutrient removal upgrades at wastewater facilities with a design
26 capacity of less than 500,000 gallons per day; and

27 3. As determined by the Department and based on water
28 quality and public health benefits, for the following:

29 A. For costs identified under item (ii) of this paragraph;

30 B. For costs identified under subsection (h)(2)(i)1 of this
31 section; and

32 C. With respect to a local government that has enacted and
33 implemented a system of charges to fully fund the implementation of a stormwater
34 management program, for grants to the local government for a portion of the costs of the
35 most cost-effective and efficient stormwater control measures, as determined and approved

1 by the Department, from the restoration fees collected annually by the Comptroller from
2 users of wastewater facilities under this section;

3 (v) As a source of revenue or security for the payment of principal
4 and interest on bonds issued by the Administration if the proceeds of the sale of the bonds
5 will be deposited in the Bay Restoration Fund;

6 (vi) To earn interest on Bay Restoration Fund accounts;

7 (vii) For the reasonable costs of administering the Bay Restoration
8 Fund, which may not exceed 1.5% of the total restoration fees imposed on users of
9 wastewater facilities that are collected by the Comptroller annually;

10 (viii) For the reasonable administrative costs incurred by a local
11 government or a billing authority for a water or wastewater facility collecting the
12 restoration fees, in an amount not to exceed 5% of the total restoration fees collected by
13 that local government or billing authority;

14 (ix) For future upgrades of wastewater facilities to achieve additional
15 nutrient removal or water quality improvement, in accordance with paragraphs (6) and (7)
16 of this subsection;

17 (x) For costs associated with the issuance of bonds;

18 (xi) Subject to the allocation of funds and the conditions under
19 subsection (h) of this section, for projects related to the removal of nitrogen from on-site
20 sewage disposal systems and cover crop activities; and

21 (xii) For costs associated with the implementation of alternate
22 compliance plans authorized in § 4-202.1(k)(3) of this article.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.