

HOUSE BILL 1035

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CF SB 495

By: **Delegates Adams, Anderton, and Stein**

Introduced and read first time: February 5, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2020

CHAPTER _____

1 AN ACT concerning

2 **Bay Restoration Fund – Use of Funds – Municipal Wastewater Facilities**

3 FOR the purpose of expanding the authorized uses of the Bay Restoration Fund to include
4 for certain costs associated with the connection of a property using an on-site sewage
5 disposal system to an existing municipal wastewater facility that has signed a
6 funding agreement with the Department of the Environment and is under
7 construction to achieve enhanced nutrient removal or biological nutrient removal
8 level treatment; specifying that these costs may be provided only if certain conditions
9 are met; providing for the termination of this Act; and generally relating to the Bay
10 Restoration Fund.

11 BY repealing and reenacting, without amendments,
12 Article – Environment
13 Section 9–1605.2(h)(1)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2019 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Environment
18 Section 9–1605.2(h)(2) and (5)
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2019 Supplement)

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

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 **Article – Environment**

2 9–1605.2.

3 (h) (1) With regard to the funds collected under subsection (b)(1)(i)1 of this
4 section from users of an on–site sewage disposal system or holding tank that receive a water
5 bill and subsection (b)(1)(i)2 and 3 of this section, beginning in fiscal year 2006, the
6 Comptroller shall:

7 (i) Establish a separate account within the Bay Restoration Fund;
8 and

9 (ii) Disburse the funds as provided under paragraph (2) of this
10 subsection.

11 (2) The Comptroller shall:

12 (i) Deposit 60% of the funds in the separate account to be used for:

13 1. Subject to paragraphs (3), (4), (5), and (6) of this
14 subsection, with priority first given to failing systems and holding tanks located in the
15 Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the
16 Department determines are a threat to public health or water quality, grants or loans for
17 up to 100% of:

18 A. The costs attributable to upgrading an on–site sewage
19 disposal system to the best available technology for the removal of nitrogen;

20 B. The cost difference between a conventional on–site sewage
21 disposal system and a system that utilizes the best available technology for the removal of
22 nitrogen;

23 C. The cost of repairing or replacing a failing on–site sewage
24 disposal system with a system that uses the best available technology for nitrogen removal;

25 D. The cost, up to the sum of the costs authorized under item
26 B of this item for each individual system, of replacing multiple on–site sewage disposal
27 systems located in the same community with a new community sewerage system that is
28 owned by a local government and that meets enhanced nutrient removal standards; ~~for~~

29 E. The cost, up to the sum of the costs authorized under item
30 C of this item for each individual system, of connecting a property using an on–site sewage
31 disposal system to an existing municipal wastewater facility that is achieving, **OR HAS**
32 **SIGNED A FUNDING AGREEMENT WITH THE DEPARTMENT AND IS UNDER**
33 **CONSTRUCTION TO ACHIEVE**, enhanced nutrient removal or biological nutrient removal

1 level treatment, including payment of the principal, but not interest, of debt issued by a
2 local government for such connection costs;

3 2. The reasonable costs of the Department, not to exceed 8%
4 of the funds deposited into the separate account, to:

5 A. Implement an education, outreach, and upgrade program
6 to advise owners of on-site sewage disposal systems and holding tanks on the proper
7 maintenance of the systems and tanks and the availability of grants and loans under item
8 1 of this item;

9 B. Review and approve the design and construction of on-site
10 sewage disposal system or holding tank upgrades;

11 C. Issue grants or loans as provided under item 1 of this item;
12 and

13 D. Provide technical support for owners of upgraded on-site
14 sewage disposal systems or holding tanks to operate and maintain the upgraded systems;

15 3. A portion of the reasonable costs of a local public entity
16 that has been delegated by the Department under § 1-301(b) of this article to administer
17 and enforce environmental laws, not to exceed 10% of the funds deposited into the separate
18 account, to implement regulations adopted by the Department for on-site sewage disposal
19 systems that utilize the best available technology for the removal of nitrogen;

20 4. Subject to paragraph (7) of this subsection, financial
21 assistance to low-income homeowners, as defined by the Department, for up to 50% of the
22 cost of an operation and maintenance contract of up to 5 years for an on-site sewage
23 disposal system that utilizes nitrogen removal technology;

24 5. Subject to paragraph (8) of this subsection, a local
25 jurisdiction to provide financial assistance to eligible homeowners for the reasonable cost
26 of pumping out an on-site sewage disposal system, at least once every 5 years, unless a
27 more frequent pump out schedule is recommended during an inspection, not to exceed 10%
28 of the funds allocated to the local jurisdiction; and

29 6. In fiscal years 2020 and 2021, financial assistance to a
30 local jurisdiction for the development of a septic stewardship plan that meets the
31 requirements under paragraph (8)(iii)2 of this subsection; and

32 (ii) Transfer 40% of the funds to the Maryland Agriculture Water
33 Quality Cost Share Program in the Department of Agriculture in order to fund cover crop
34 activities.

35 (5) Funding for the costs identified in paragraph (2)(i)1E of this subsection
36 may be provided only if all of the following conditions are met:

1 (i) The environmental impact of the on-site sewage disposal system
2 is documented by the local government and confirmed by the Department;

3 (ii) It can be demonstrated that:

4 1. The replacement of the on-site sewage disposal system
5 with service to an existing municipal wastewater facility that is achieving, **OR HAS SIGNED**
6 **A FUNDING AGREEMENT WITH THE DEPARTMENT AND IS UNDER CONSTRUCTION TO**
7 **ACHIEVE**, enhanced nutrient removal or biological nutrient removal level treatment is
8 more cost-effective for nitrogen removal than upgrading the individual on-site sewage
9 disposal system; or

10 2. The individual replacement of the on-site sewage disposal
11 system is not feasible;

12 (iii) The project is consistent with the county's comprehensive plan
13 and water and sewer master plan;

14 (iv) 1. The on-site sewage disposal system was installed as of
15 October 1, 2008, and the property the system serves is located in a priority funding area,
16 in accordance with § 5-7B-02 of the State Finance and Procurement Article; or

17 2. The on-site sewage disposal system was installed as of
18 October 1, 2008, the property the system serves is not located in a priority funding area,
19 and the project meets the requirements under § 5-7B-06 of the State Finance and
20 Procurement Article and is consistent with a public health area of concern:

21 A. Identified in the county water and sewer plan; or

22 B. Certified by a county environmental health director with
23 concurrence by the Department and, if funding is approved, subsequently added to the
24 county water and sewer plan within a time frame jointly agreed on by the Department and
25 the county that takes into consideration the county's water and sewer plan update and
26 amendment process; and

27 (v) The funding agreement for a project that meets the conditions for
28 funding under subparagraph (iv)2 of this paragraph includes provisions to ensure:

29 1. Denial of access for any future connections that are not
30 included in the project's proposed service area; and

31 2. That the project will not unduly impede access to funding
32 for upgrading individual on-site sewage disposal systems in the county with best available
33 technology for nitrogen removal.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ July 1, 2020. It shall remain effective for a period of 4 years and, at the end of
3 ~~September~~ June 30, 2024, this Act, with no further action required by the General
4 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.