

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 353

(Senator Simonaire)

Education, Energy, and the Environment

Environment and Transportation

Confined Aquatic Disposal Task Force

This bill establishes the Confined Aquatic Disposal Task Force and specifies its duties and responsibilities. The Maryland Port Administration (MPA) must provide staff for the task force. By July 1, 2025, the task force must submit a report of its findings and recommendations to the executive committee that oversees the State’s plans for dredged material management, the General Assembly, and specified legislative committees. **The bill takes effect July 1, 2024, and terminates December 31, 2025.**

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by an estimated \$125,000 in FY 2025 and \$50,000 in FY 2026, as discussed below. Revenues are not affected.

| (in dollars) | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 |
|----------------|-------------|------------|---------|---------|---------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| SF Expenditure | 125,000 | 50,000 | 0 | 0 | 0 |
| Net Effect | (\$125,000) | (\$50,000) | \$0 | \$0 | \$0 |

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: Using the procedures and policies governing MPA’s Dredged Material Management Program, the task force must study and review:

- the overall concept, viability, and available options associated with confined aquatic disposal programs to meet the long-term dredged material placement needs of the State;
- the potential benefits and risks associated with confined aquatic disposal programs;
- the categories of dredged materials that should be permitted within confined aquatic disposal sites;
- any financial impacts on neighboring communities in close proximity to confined aquatic disposal sites;
- the location of confined aquatic disposal sites, including the selection of industrial versus residential areas and distance from shore;
- the size of confined aquatic disposal sites;
- noise levels associated with confined aquatic disposal;
- times of day when dredged material may be added to confined aquatic disposal sites;
- economic and environmental impacts of confined aquatic disposal;
- an approach for community outreach for any future confined aquatic disposal program; and
- any other factors the task force deems necessary.

In addition, the task force must make a recommendation on using confined aquatic disposal as a strategy for meeting the long-term dredged material placement needs of the State.

A member of the task force may not receive compensation.

Current Law: MPA, through its efforts to increase waterborne commerce, promotes the economic well-being of the State and manages the State-owned facilities at the Helen Delich Bentley Port of Baltimore. MPA is governed by its Executive Director and the Maryland Port Commission. MPA is expressly authorized to acquire, construct, reconstruct, rehabilitate, improve, maintain, lease as lessor or as lessee, repair, and operate either directly or through State-created private operating companies port facilities within its territorial jurisdiction, including the dredging of ship channels and turning basins and the filling and grading of land.

Through its [Dredged Material Management Program](#), MPA maintains the shipping channel in the Chesapeake Bay, Baltimore Harbor, and the Chesapeake and Delaware Canal. MPA deposits the dredged material across its [five active dredged material containment facilities](#).

Chapter 627 of 2001 established an executive committee to provide oversight in the development of the State's plans for dredged material management. The executive committee is required to review and recommend to the Governor:

- dredged material placement options to fill short-term capacity needs, as specified;
- elements, as part of a continuous and long-term strategic plan for dredged material management, including changes to the plan; and
- dredged material disposal sites for long-term dredged material placement capacity based on the following hierarchy: (1) beneficial use and innovative reuse of dredged material; (2) upland sites and other environmentally sound confined capacity; (3) expansion of existing dredged material disposal capacity other than specified facilities and areas; and (4) other dredged material placement options to meet long-term placement needs, except for redepositing dredged material in an unconfined manner.

State Expenditures: In the execution of its duties, the Maryland Department of Transportation and MPA often engage expert consultants to handle research, evaluations, studies, reports, and staffing duties, and MPA anticipates engaging a consultant to handle the bill’s staffing, study, and reporting requirements. Therefore, TTF expenditures increase by an estimated \$125,000 in fiscal 2025 and \$50,000 in fiscal 2026 to hire a consultant to support the work of the task force. To the extent existing staff can handle some of these responsibilities, costs could be less.

Additional Comments: MPA has been exploring the use of confined aquatic disposal and completed a successful pilot program in 2016. A summary of MPA’s recent research and activities on the use of confined aquatic disposal can be found on [MPA’s website](#).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2024
rh/lgc Third Reader - March 13, 2024
Revised - Amendment(s) - March 13, 2024

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