

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Enrolled

Senate Bill 135

(Senators Ellis and McKay)

Education, Energy, and the Environment

Environment and Transportation

**Workgroup to Study Funding for the Westernport Wastewater Treatment
Facility - Establishment**

This bill establishes the Workgroup to Study Funding for the Westernport Wastewater Treatment Facility. The chair of the Upper Potomac River Commission must designate the chair of the workgroup and the Maryland Department of the Environment (MDE) must provide staff for the workgroup. Workgroup members may not receive compensation but are entitled to reimbursement for expenses, as specified. By December 1, 2024, the workgroup must report its findings and recommendations to the Governor and the General Assembly. **The bill takes effect July 1, 2024, and terminates June 30, 2025.**

Fiscal Summary

State Effect: Any expense reimbursements for workgroup members and staffing costs for MDE are assumed to be minimal and absorbable within existing budgeted resources.

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

Small Business Effect: None.

Analysis

Bill Summary: The workgroup must:

- identify and study the existing funding sources that support the Westernport Wastewater Treatment Facility;
- study whether increased funding could enhance operations at the facility;

- study the funding sources of comparable wastewater treatment facilities in the mid-Atlantic region;
- study available and potential federal, State, and local funding sources for the facility; and
- make recommendations regarding (1) whether additional funding could improve the operations of the facility and (2) the existing and prospective federal, State, and local funding sources for the facility.

Current Law: The Upper Potomac River Commission was established in 1935 and has jurisdiction over the water resources of Allegany County and a portion of Garrett County. To regulate the flow of the Potomac River, the commission supervises the Savage River Dam in Garrett County, which it owns, maintains, and operates with guidance from the U.S. Army Corps of Engineers. Since 1960, the commission has also operated the Westernport Wastewater Treatment Facility. The chair is chosen by the Governor, and one member each is appointed by the Allegany County and Garrett County commissioners.

Discharge Permits Issued by the Maryland Department of the Environment

A person must generally hold an MDE discharge permit before constructing, installing, modifying, extending, altering, or operating a system, facility, outlet, or establishment if its operation could cause or increase the discharge of pollutants into the waters of the State. This permitting requirement applies to (1) an industrial, commercial, or recreation facility or disposal system; (2) a State-owned treatment facility; or (3) any other outlet or establishment. Further, a person must hold a concentrated animal feeding operation (CAFO) discharge permit before beginning construction on any part of a new CAFO. MDE has broad authority to require a discharge permit for any other activity by rule or regulation.

Additional Comments: The Westernport Wastewater Treatment Facility treats municipal sewage from Westernport and Luke, Maryland, along with Piedmont, West Virginia. The facility also used to treat industrial waste from the now-closed Luke Paper Mill.

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 the Environment; Maryland State Archives; Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2024
rh/lgc Third Reader - February 28, 2024
Enrolled - April 11, 2024

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