
By: Delegates Walkup and W. Baker

Introduced and read first time: February 13, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 Redeposit of Spoil - Construction of an Artificial Island Prohibited

3 FOR the purpose of prohibiting the Department of the Environment from approving the
4 construction of an artificial island with a contained area in the waters of the
5 Chesapeake Bay for the redeposit of certain spoil or deposit of certain other
6 materials; authorizing the Department to approve the construction of a contained
7 area for the redeposit of certain spoil on the site of an existing or former island in
8 the waters of the Chesapeake Bay under certain circumstances; authorizing the
9 Department to approve the construction of a contained area for the redeposit of
10 certain spoil on Pooles Island under certain circumstances; requiring the
11 Department of Transportation and the Department of Natural Resources to report
12 to certain committees of the General Assembly on or before a certain date; and
13 generally relating to the redeposit of certain spoil and certain other materials in the
14 waters of the Chesapeake Bay.

15 BY repealing and reenacting, without amendments,
16 Article - Environment
17 Section 5-1101(a)(1) through (5)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Environment
22 Section 5-1103
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1996 Supplement)

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

27 **Article - Environment**

28 5-1101.

29 (a) In this subtitle the following words have the meanings indicated.

2

1 (1) "Spoil" means earth, rock, soil, waste matter, muck, or other material
2 excavated or dredged from Baltimore Harbor and approach channels.

3 (2) "Baltimore County tributary spoil" means earth, rock, soil, waste matter,
4 muck, or other materials excavated or dredged from an approved dredging project in any
5 of the Baltimore County tributaries of the Chesapeake Bay.

6 (3) "Redeposit" means to dump, scatter, pour, or otherwise deposit spoil or,
7 if made applicable by the provisions of this subtitle or Title 5 of the Natural Resources
8 Article, Baltimore County tributary spoil in a confined manner.

9 (4) "Baltimore Harbor" means the waterway which consists of the tidal
10 portions of Patapsco River and its tributaries lying westward of a line extending from
11 Rock Point in Anne Arundel County to North Point in Baltimore County.

12 (5) (i) "Sewage sludge" means the accumulated semiliquid suspension of
13 settled solids, or dried residue of these solids, that is deposited from sewage in
14 wastewater treatment plant tanks or basins.

15 (ii) "Sewage sludge" includes raw untreated sewage disposed from the
16 Back River Sewage Treatment Plant.

17 5-1103.

18 (a) (1) [Except] SUBJECT TO SUBSECTION (C) OF THIS SECTION, EXCEPT for
19 dredge spoil from local dredging projects initiated by Baltimore County in the waters of
20 Baltimore County, the Department may not approve any contained area for the redeposit
21 of spoil within 5 miles of the Hart-Miller-Pleasure Island chain in Baltimore County.

22 (2) A contained area described in paragraph (1) of this subsection may not
23 exceed the approximately 1,100 acre size provided in the projects U.S. Army Corps of
24 Engineers permit dated November 22, 1976.

25 (b) (1) Except as provided in paragraph (2) of this subsection, only spoil from
26 the excavation or dredging of Baltimore Harbor, its approach channels, and Baltimore
27 County tributary spoil from an approved dredging project in any of the Baltimore County
28 tributaries of the Chesapeake Bay may be redeposited in a contained area described in
29 subsection (a) of this section.

30 (2) Only dredge spoil from local dredging projects initiated by Baltimore
31 County in the waters of Baltimore County may be redeposited in any additional contained
32 area for the redeposit of spoil authorized under subsection (a)(1) of this section.

33 (C) (1) THE DEPARTMENT MAY NOT APPROVE THE CONSTRUCTION OF AN
34 ARTIFICIAL ISLAND WITH A CONTAINED AREA IN THE WATERS OF THE
35 CHESAPEAKE BAY FOR THE:

36 (I) REDEPOSIT OF SPOIL OR BALTIMORE COUNTY TRIBUTARY
37 SPOIL; OR

38 (II) DUMPING, DEPOSITING, SCATTERING OR RELEASE OF:

39 1. SEWAGE SLUDGE; OR

3

1 2. ANY OTHER DREDGED MATERIAL.

2 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
3 DEPARTMENT MAY APPROVE THE CONSTRUCTION OF A CONTAINED AREA FOR THE
4 REDEPOSIT OF SPOIL OR BALTIMORE COUNTY TRIBUTARY SPOIL:

5 1. ON THE SITE OF POOLES ISLAND AS IT EXISTS OR
6 FORMERLY EXISTED; OR

7 2. ON THE SITE OF ANOTHER EXISTING ISLAND OR FORMER
8 ISLAND IN THE WATERS OF THE CHESAPEAKE BAY.

9 (II) A CONTAINED AREA APPROVED UNDER SUBPARAGRAPH (I) OF
10 THIS PARAGRAPH MAY NOT BE USED FOR THE:

11 1. REDEPOSIT OF SPOIL FROM BALTIMORE HARBOR; OR

12 2. DUMPING, DEPOSITING, SCATTERING OR RELEASE OF
13 SEWAGE SLUDGE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
15 Transportation and the Department of Natural Resources shall report to the Economic
16 and Environmental Affairs Committee of the Senate of Maryland and the Environmental
17 Matters Committee of the Maryland House of Delegates on or before December 31, 1997,
18 in accordance with § 2-1312 of the State Government Article, on the feasibility of
19 constructing a contained area for the redeposit of dredged material on Pooles Island as
20 provided in § 5-1103(c)(2) of the Environment Article The Department of
21 Transportation may not apply for a permit to construct a contained area for the redeposit
22 of dredged material on any existing or formerly existing island in the Chesapeake Bay
23 except for Pooles Island as provided in § 5-1103(c)(2) of the Environment Article until
24 the Department has issued the report required under this section, or issued an additional
25 report, which includes an explanation of why an island other than Pooles Island would be
26 a more appropriate site.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1997.