
By: Senator Stone

Requested: October 14, 1996

Introduced and read first time: January 8, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Hart-Miller Island Dredged Material Containment Facility - Maximum Height of**
3 **Dredged Material**

4 FOR the purpose of prohibiting the height of dredged material deposited in the
5 Hart-Miller Island Dredged Material Containment Facility from exceeding a
6 certain height above mean low water; prohibiting the Board of Public Works from
7 issuing a license authorizing dredged material deposited in the Hart-Miller Island
8 Dredged Material Containment Facility to exceed an elevation of a certain height
9 above mean low water; and generally relating to the maximum height of dredged
10 material deposited in the Hart-Miller Island Dredged Material Containment
11 Facility.

12 BY repealing and reenacting, with amendments,
13 Article - Environment
14 Section 5-1103(a) and 16-202
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1996 Supplement)

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

19 **Article - Environment**

20 5-1103.

21 (a) (1) Except for dredge spoil from local dredging projects initiated by
22 Baltimore County in the waters of Baltimore County, the Department may not approve
23 any contained area for the redeposit of spoil within 5 miles of the Hart-Miller-Pleasure
24 Island chain in Baltimore County.

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

28 (3) THE MAXIMUM HEIGHT OF DREDGED MATERIAL DEPOSITED IN THE
29 HART-MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY MAY NOT
30 EXCEED:

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1 (I) 44 FEET ABOVE MEAN LOW WATER IN THE NORTH CELL; AND

2 (II) 28 FEET ABOVE MEAN LOW WATER IN THE SOUTH CELL.

3 16-202.

4 (a) A person may not dredge or fill on State wetlands without a license.

5 (b) The Secretary shall assist the Board in determining whether to issue a license
6 to dredge or fill State wetlands. The Secretary shall submit a report indicating whether
7 the license should be granted and, if so, the terms, conditions, and consideration required
8 after consultation with any interested federal, State, and local unit, and after issuing
9 public notice, holding any requested hearing, and taking any evidence the Secretary
10 thinks advisable.

11 (c) (1) Upon receipt of a report by the Secretary, the Board shall decide if
12 issuance of the license is in the best interest of the State, taking into account the varying
13 ecological, economic, developmental, recreational, and aesthetic values each application
14 presents. If the Board decides to issue the license, the issuance of the license shall be for
15 consideration and on terms and conditions the Board determines. Every license shall be
16 in writing.

17 (2) With respect to an application for a license to fill or construct a shore
18 erosion control structure other than riprap on State wetlands, the Board may issue the
19 license without public notice if the fill area is less than 300 feet in length parallel to the
20 fast land as close to the fast land as structurally feasible but not more than 10 feet
21 channelward of the mean high water line and if after a site visit the report of the
22 Secretary recommends that the license be granted. The Board may issue a license without
23 public notice where an emergency exists caused by act of God, natural disaster,
24 catastrophe, or other similar natural event when the health, safety, or welfare of the
25 citizens of the State would be jeopardized by a delay caused by time requirements for
26 public notice. However, the license may be granted by the Board only with the
27 concurrence of the Secretary. The Secretary shall provide prompt public notice of the
28 emergency license issuance and the opportunity to submit written comments or to request
29 a hearing to determine whether the emergency license shall be revoked or made
30 permanent. If a hearing is requested, the hearing shall be scheduled within 30 days of the
31 emergency issuance of the license.

32 (3) If the report of the Secretary recommends that a license be granted, the
33 Board may issue the license without public notice:

34 (i) To fill or construct a shore erosion control structure of riprap on
35 State wetlands if the fill area is less than 500 feet in length parallel to the fast land as
36 close to the fast land as structurally feasible but not more than 10 feet channelward of the
37 mean high water line;

38 (ii) To repair or replace a bulkhead for the purpose of shore erosion
39 control where the bulkhead is presently functional, but is deteriorating or damaged,
40 provided that the repair or replacement structure does not extend more than 18 inches
41 channelward of the existing structure. Repair or replacement may include riprap placed
42 along the base of the bulkhead, provided that the riprap shall not extend more than 10
43 feet channelward of the bulkhead;

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1 (iii) To fill near shore shallow water bottom extending no more than 35
 2 feet channelward of the mean high water line provided the fill area is less than 500 feet in
 3 length parallel to the fast land for the purpose of shore erosion control by landscaping
 4 and wetland plant establishment;

5 (iv) To construct or repair a private noncommercial boat ramp
 6 provided the ramp does not exceed 12 feet in width and extend more than 30 feet
 7 channelward of the mean high water line; or

8 (v) To maintenance dredge a mooring, private or commercial boat
 9 ramp, mobile boat hoist slip, or marine railway when no more than 100 cubic yards of
 10 material nor an area greater than 1,500 square feet need to be dredged.

11 (4) With respect to the maintenance dredging of projects in State wetlands
 12 for which a license is to be issued, the license may include provision for periodic
 13 maintenance dredging if recommended by the report of the Secretary provided that the
 14 maintenance dredging be effected:

15 (i) Within the area, depth, and in conformity with other limitations
 16 contained in the license;

17 (ii) That no more than 500 cubic yards of material be dredged at each
 18 maintenance dredging to restore licensed works;

19 (iii) That the material from maintenance dredging be deposited upon
 20 the designated or other upland site approved by the Secretary; and

21 (iv) That the Secretary be notified and approve of each maintenance
 22 dredging operation.

23 (5) The provisions for periodic maintenance dredging under paragraph (4)
 24 of this subsection shall be effective for no more than 6 years beyond the date of issuance
 25 of the license.

26 (6) If the licensee desires to continue maintenance dredging beyond the
 27 expiration date authorized in paragraph (5) of this subsection, the licensee must obtain a
 28 new license by submitting an application to the Board for review in accordance with the
 29 procedures of this section.

30 (d) The provisions of this section do not apply to any operation for:

31 (1) Dredging and filling being conducted as of July 1, 1970, as authorized
 32 under the terms of an appropriate permit or license granted under the provisions of
 33 existing State and federal law;

34 (2) Dredging of seafood products by any licensed operator, harvesting of
 35 seaweed, or mosquito control and abatement as approved by the Department of
 36 Agriculture;

37 (3) Improvement of wildlife habitat or agricultural drainage ditches as
 38 approved by an appropriate unit; or

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1 (4) Routine maintenance or repair of existing bulkheads, provided that
2 there is no addition or channelward encroachment.

3 (E) THE BOARD MAY NOT APPROVE A LICENSE OR AN AMENDMENT TO A
4 LICENSE AUTHORIZING THE DREDGED MATERIAL DEPOSITED IN THE
5 HART-MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY TO EXCEED
6 AN ELEVATION OF:

7 (1) 44 FEET ABOVE MEAN LOW WATER IN THE NORTH CELL; AND

8 (2) 28 FEET ABOVE MEAN LOW WATER IN THE SOUTH CELL.

9 [(e)] (F) Any person who violates any provision of this section is guilty of a
10 misdemeanor. Upon conviction, the person is subject to a fine not exceeding \$1,000 with
11 costs imposed in the discretion of the court.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1997.