
By: **Delegates Walkup, W. Baker, Franchot, Dembrow, and Hixson**
Introduced and read first time: February 13, 1998
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Redeposit of Dredge Spoil - Conditions for Redeposit on Farm or**
3 **Agricultural Use Land**

4 FOR the purpose of prohibiting the redeposit of certain dredge spoil on certain land;
5 authorizing the redeposit of certain dredge spoil on certain land under certain
6 conditions; requiring certain assessments of agricultural land prior to the
7 authorization to redeposit certain dredge spoil; and generally relating to the
8 redeposit of certain dredge spoil on certain agricultural land.

9 BY repealing and reenacting, without amendments,
10 Article - Environment
11 Section 5-1101
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Environment
16 Section 5-1102
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - Tax - Property
21 Section 8-209(c) through (f)
22 Annotated Code of Maryland
23 (1994 Replacement Volume and 1997 Supplement)

24 Preamble

25 WHEREAS, The State of Maryland has a longstanding tradition of protecting
26 and preserving the State's rural nature, natural resources, and the value of
27 agricultural and forestry land. The Agricultural Land Preservation Program and,

1 more recently, the Rural Legacy Program has provided additional resources for the
2 protection and preservation of farm and agricultural land; and

3 WHEREAS, The redeposit of dredge spoil on farm and agricultural land
4 presents both known and unknown degradation of the environment, public health,
5 and the local and State economies; and

6 WHEREAS, The State should not authorize the redeposit of dredge spoil on
7 farmland without conducting research regarding the benefits and costs of alternative
8 uses for dredge spoil and analyzing the environmental and public health
9 consequences of removing, transporting, and placing sediments of the Chesapeake
10 Bay and its tributaries, and the constituents of this sediment, on farm and
11 agricultural land; now, therefore,

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

14 **Article - Environment**

15 5-1101.

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

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

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

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

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

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

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

33 (6) "Deep trough" means any region that:

34 (i) Is south of the Chesapeake Bay Bridge and north of a line
35 extending westerly from Bloody Point; and

1 (ii) Has a depth that exceeds 60 feet.

2 (b) The General Assembly declares that the Chesapeake Bay and the
3 tidewater portions of its tributaries are a great natural asset and resource to the
4 State and its counties. Portions of these areas are threatened with inundation by the
5 unconfined dumping of vast quantities of spoil from dredging operations within
6 Baltimore Harbor and certain dumpings of sewage sludge. This inundation and
7 unconfined dumping will pollute and despoil valuable portions of the bottomland in
8 the Chesapeake Bay and its tidewater tributaries and be grossly harmful to fish and
9 marine life in these and adjacent waters, to use for recreation, and to the economic
10 and social life of the people of this State.

11 5-1102.

12 (a) A person may not dump, deposit, or scatter in an unconfined manner spoil
13 from Baltimore Harbor into or onto any portion of the water or bottomland of the
14 Chesapeake Bay or of the tidewater portions of any of the Chesapeake Bay's
15 tributaries outside of Baltimore Harbor. However, the spoil may be redeposited in
16 contained areas approved by the Department.

17 (b) A person may not dump, deposit, or scatter in an unconfined manner
18 Baltimore County tributary spoil into or onto any portion of the water or bottomland
19 of the Chesapeake Bay or of the tidewater portions of any of the Chesapeake Bay's
20 tributaries within 5 miles of the Hart-Miller-Pleasure Island chain in Baltimore
21 County.

22 (c) A person may not dump, deposit, scatter, or release sewage sludge by any
23 means, including discharge from a sewer or pipe, into or onto any portion of the water
24 or bottomland of the Chesapeake Bay or of the tidewater portions of any of the
25 Chesapeake Bay's tributaries within 5 miles of the Hart-Miller-Pleasure Island
26 chain in Baltimore County.

27 (d) A person may not dump, deposit, or scatter any earth, rock, soil, waste
28 matter, muck, or other material excavated or dredged from the Chesapeake Bay or its
29 tidal tributaries into or onto the area of the bottomlands or waters of the Chesapeake
30 Bay known as the deep trough.

31 (E) THE GENERAL ASSEMBLY DECLARES THAT IT IS IN THE GENERAL PUBLIC
32 INTEREST OF THE STATE TO:

33 (1) FOSTER AND ENCOURAGE FARMING ACTIVITIES AND TO PRESERVE
34 THE RURAL LEGACY IN MARYLAND FOR FUTURE GENERATIONS;

35 (2) PREVENT ANY UNINTENDED NEGATIVE ENVIRONMENTAL,
36 ECONOMIC, OR PUBLIC HEALTH CONSEQUENCES OF THE REDEPOSIT OF DREDGE
37 SPOIL ON FARM OR AGRICULTURAL USE LAND; AND

38 (3) ESTABLISH AN INTERGOVERNMENTAL REVIEW PROCESS FOR
39 APPLICATIONS FOR PERMITS TO REDEPOSIT DREDGE SPOIL ON FARM OR

1 AGRICULTURAL USE LAND TO ENSURE THAT ALL APPROPRIATE STATE AND LOCAL
2 GOVERNMENTS AND AGENCIES ARE INTEGRALLY INFORMED AND INVOLVED.

3 (F) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, A PERSON MAY NOT
4 DUMP, DEPOSIT, OR SCATTER ANY EARTH, ROCK, SOIL, WASTE MATTER, MUCK, OR
5 OTHER MATERIAL EXCAVATED OR DREDGED FROM THE CHESAPEAKE BAY OR ITS
6 TRIBUTARIES ONTO FARM OR AGRICULTURAL USE LAND AS DEFINED BY THE USE
7 ASSESSMENT CRITERIA UNDER § 8-209 OF THE TAX-PROPERTY ARTICLE.

8 (2) THE STATE AND ITS AGENCIES MAY NOT FINALIZE ANY SITE
9 SELECTION OR PERMIT APPROVAL FOR THE REDEPOSIT OF DREDGE SPOIL OR OTHER
10 DREDGE MATERIAL ON FARM OR AGRICULTURAL USE LAND UNTIL:

11 (I) THE DEPARTMENT OF THE ENVIRONMENT, IN CONJUNCTION
12 WITH THE DEPARTMENTS OF AGRICULTURE AND NATURAL RESOURCES, CONDUCTS
13 PEER REVIEWED RESEARCH REGARDING THE BIOLOGICAL RISKS ASSOCIATED WITH
14 THE REDEPOSIT OF DREDGE SPOIL, INCLUDING ANALYSIS OF THE MICROBIAL AND
15 OTHER BIOLOGICAL CONTENT OF DREDGED SEDIMENTS, AND CONCLUDES THAT
16 DREDGE SPOIL DOES NOT POSE AN ENVIRONMENTAL OR PUBLIC HEALTH RISK;

17 (II) THE DEPARTMENT OF TRANSPORTATION DETERMINES THAT
18 THE REDEPOSIT OF DREDGE SPOIL ON FARM OR AGRICULTURAL USE LAND IS A
19 BENEFICIAL USE AND INCLUDES A BENEFITS AND COST ANALYSIS OF THIS
20 PLACEMENT OPTION IN A REVISED GOVERNOR'S STRATEGIC PLAN FOR DREDGED
21 MATERIAL PLACEMENT;

22 (III) THE DEPARTMENT OF THE ENVIRONMENT, IN CONJUNCTION
23 WITH THE APPROPRIATE LOCAL SOIL CONSERVATION DISTRICT, HAS CONDUCTED
24 AN ENVIRONMENTAL ASSESSMENT OF THE PROPOSED PROJECT;

25 (IV) THE DEPARTMENT OF ASSESSMENTS AND TAXATION ASSESSES
26 THE VALUE OF THE FARM OR AGRICULTURAL USE LAND ON WHICH THE REDEPOSIT
27 OF DREDGE SPOIL IS PROPOSED ACCORDING TO REGULATIONS ESTABLISHED UNDER
28 § 8-209 OF THE TAX - PROPERTY ARTICLE; AND

29 (V) THE STATE OFFICE OF PLANNING HAS RECEIVED
30 CONFIRMATION FROM THE COUNTY GOVERNMENT THAT THE PROPOSAL COMPLIES
31 WITH ALL RELEVANT COUNTY ZONING AND PLANNING ORDINANCES.

32 **Article - Tax - Property**

33 8-209.

34 (c) Land that is actively used for farm or agricultural use shall be valued on
35 the basis of that use and may not be valued as if subdivided.

36 (d) Land that is valued under subsection (c) of this section shall be assessed on
37 the basis of 50% of its use value.

1 (e) (1) The Department shall establish in regulations criteria to determine if
2 land that appears to be actively used for farm or agricultural purposes:

3 (i) is actually used for farm or agricultural purposes; and

4 (ii) qualifies for assessment under this section.

5 (2) The criteria shall include:

6 (i) the zoning of the land;

7 (ii) the present and past use of the land including land under the
8 Soil Bank Program of the United States;

9 (iii) the productivity of the land, including timberlands and
10 reforested lands; and

11 (iv) the gross income that is derived from the agricultural activity.

12 (f) In administering this section, periodically, the Director shall consult with:

13 (1) the Secretary of Agriculture;

14 (2) officials of the State who are knowledgeable in agriculture;

15 (3) representatives of the agricultural community;

16 (4) officials of counties and municipal corporations; and

17 (5) other persons as determined by the Director.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1998.