

SENATE BILL 254

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HB 1228/97 - ENV

1998 Regular Session
8r1868
CF 8r0233

By: **Senator Baker**

Introduced and read first time: February 2, 1998

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Redeposit of Dredge Spoil - Artificial Islands and Contained Areas**

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

14 BY repealing and reenacting, with amendments,
15 Article - Environment
16 Section 5-1101(a) and 5-1103
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1997 Supplement)

19 Preamble

20 WHEREAS, Dredge spoil should not be redeposited in the Chesapeake Bay to
21 construct an artificial island because of the potential detrimental impacts of such a
22 construction project on State tourism, the local economies proximate to the artificial
23 island project, the quality of life of local residents, efforts to restore the environmental
24 quality and living resources of the Chesapeake Bay, and the health of Maryland
25 fisheries; and

26 WHEREAS, The goal of restoring the Chesapeake Bay as the largest and most
27 productive estuary in the United States should not include plans to construct new
28 artificial islands in the Bay but rather should recognize the historical location of
29 existing and formerly existing islands; and

1 WHEREAS, The International Workshop on Dredged Material Beneficial
2 Uses, sponsored by the U.S. Army Corps of Engineers in July 1997, concluded that
3 only 40 percent of dredged material is used beneficially and the most desirable
4 beneficial uses include the restoration of wetlands and the restoration of existing and
5 formerly existing natural islands and habitat; and

6 WHEREAS, The Governor's Strategic Plan for Dredged Material Placement
7 adequately provides for the placement of dredge spoil without necessitating any
8 expense related to the research, development, or construction of an artificial island in
9 the Chesapeake Bay; now, therefore,

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

12 **Article - Environment**

13 5-1101.

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

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

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

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

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

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

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

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

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

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

1 (7) "FORMER ISLAND" MEANS A GEOLOGICAL FOOTPRINT OF AN ISLAND
2 THAT ONCE EXISTED IN THE WATERS OF THE CHESAPEAKE BAY.

3 (8) "APPROACH CHANNELS" MEANS ANY WATERWAY OF THE STATE
4 UTILIZED BY THE COMMERCIAL SHIPPING INDUSTRY AS A SHIPPING CHANNEL TO
5 THE BALTIMORE HARBOR, INCLUDING THE CHESAPEAKE AND DELAWARE CANAL,
6 THE BREWERTON CHANNEL, AND THE TOLCHESTER CHANNEL.

7 5-1103.

8 (a) (1) [Except] SUBJECT TO SUBSECTION (C) OF THIS SECTION, EXCEPT for
9 dredge spoil from local dredging projects initiated by Baltimore County in the waters
10 of Baltimore County, the Department may not approve any contained area for the
11 redeposit of spoil within [5] 3 1/2 miles of the Hart-Miller-Pleasure Island chain in
12 Baltimore County.

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

16 (3) (i) Subject to subparagraph (ii) of this paragraph, dredge spoil may
17 not be deposited in the Hart-Miller Island Dredged Material Containment Facility
18 after the first of the following to occur:

19 1. The maximum height of dredge spoil deposited in the
20 Hart-Miller Island Dredged Material Containment Facility reaches:

21 A. 44 feet above the mean low water mark in the north cell;
22 and

23 B. 28 feet above the mean low water mark in the south cell;
24 or

25 2. January 1, 2010.

26 (ii) New dredge spoil dredged from a channel may not be deposited
27 in the south cell.

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

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

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

4 (I) REDEPOSIT OF SPOIL, INCLUDING BALTIMORE COUNTY
5 TRIBUTARY SPOIL; OR

6 (II) DUMPING, DEPOSITING, SCATTERING, OR RELEASING OF:

7 1. SEWAGE SLUDGE; OR

8 2. ANY DREDGED MATERIAL.

9 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
10 DEPARTMENT MAY APPROVE THE CONSTRUCTION OF A CONTAINED AREA FOR THE
11 REDEPOSIT OF SPOIL, INCLUDING BALTIMORE COUNTY TRIBUTARY SPOIL:

12 1. ON THE SITE OF POOLES ISLAND AS IT EXISTS OR
13 FORMERLY EXISTED; OR

14 2. ON THE SITE OF ANOTHER EXISTING ISLAND OR FORMER
15 ISLAND IN THE WATERS OF THE CHESAPEAKE BAY, INCLUDING:

16 A. A BARRIER ISLAND IN NEED OF PROTECTION FROM
17 FURTHER LOSS DUE TO EXTENSIVE EROSION; AND

18 B. AN EXISTING ISLAND OR FORMER ISLAND IN THE WATERS
19 OF THE U.S. ARMY GARRISON, ABERDEEN PROVING GROUND.

20 (II) A CONTAINED AREA APPROVED UNDER SUBPARAGRAPH (I) OF
21 THIS PARAGRAPH MAY NOT BE USED FOR:

22 1. REDEPOSIT OF SPOIL FROM BALTIMORE HARBOR; OR

23 2. DUMPING, DEPOSITING, SCATTERING, OR RELEASE OF
24 SEWAGE SLUDGE.

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