

HOUSE BILL 911

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M3  
HB 1103/98 - ENV

1999 Regular Session  
9lr0833

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By: **Delegate Walkup**  
Introduced and read first time: February 12, 1999  
Assigned to: Environmental Matters

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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; exempting certain material  
8 excavated or dredged from certain tributaries; and generally relating to the  
9 redeposit of certain dredge spoil on certain agricultural land.

10 BY repealing and reenacting, without amendments,  
11 Article - Environment  
12 Section 5-1101  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 1998 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Environment  
17 Section 5-1102  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume and 1998 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article - Tax - Property  
22 Section 8-209(c) through (f)  
23 Annotated Code of Maryland  
24 (1994 Replacement Volume and 1998 Supplement)

25 Preamble

26 WHEREAS, The State of Maryland has a long-standing tradition of protecting  
27 and preserving the State's rural nature, natural resources, and the value of  
28 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 ONTO  
6 FARM OR AGRICULTURAL USE LAND AS DEFINED BY THE USE ASSESSMENT  
7 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 (3) THIS SUBSECTION DOES NOT APPLY TO ANY EARTH, ROCK, SOIL,  
33 WASTE MATTER, MUCK, OR OTHER MATERIAL EXCAVATED OR DREDGED FROM A  
34 TRIBUTARY OF THE CHESAPEAKE BAY.

35 **Article - Tax - Property**

36 8-209.

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

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

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

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

6 (ii) qualifies for assessment under this section.

7 (2) The criteria shall include:

8 (i) the zoning of the land;

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

11 (iii) the productivity of the land, including timberlands and  
12 reforested lands; and

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

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

15 (1) the Secretary of Agriculture;

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

17 (3) representatives of the agricultural community;

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 1999.