

SENATE BILL 465

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SB 254/98 - EEA

1999 Regular Session  
9lr2158  
CF 9lr0835

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By: **Senator Baker**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

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

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

13 BY repealing and reenacting, with amendments,  
14 Article - Environment  
15 Section 5-1101(a) and 5-1103  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 1998 Supplement)

18 **Preamble**

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

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

29 WHEREAS, The International Workshop on Dredged Material Beneficial  
30 Uses, sponsored by the U.S. Army Corps of Engineers in July 1997, concluded that

1 only 40 percent of dredged material is used beneficially and the most desirable  
2 beneficial uses include the restoration of wetlands and the restoration of existing and  
3 formerly existing natural islands and habitat; and

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

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

10 **Article - Environment**

11 5-1101.

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

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

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

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

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

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

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

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

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

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

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

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

5 5-1103.

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

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

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

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

19 A. 44 feet above the mean low water mark in the north cell;  
20 and

21 B. 28 feet above the mean low water mark in the south cell;  
22 or

23 2. January 1, 2010.

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

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

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

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

1 (I) REDEPOSIT OF SPOIL, INCLUDING BALTIMORE COUNTY  
2 TRIBUTARY SPOIL; OR

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

4 1. SEWAGE SLUDGE; OR

5 2. ANY DREDGED MATERIAL.

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

9 1. ON THE SITE OF POOLES ISLAND AS IT EXISTS OR  
10 FORMERLY EXISTED; OR

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

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

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

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

19 1. REDEPOSIT OF SPOIL FROM BALTIMORE HARBOR; OR

20 2. DUMPING, DEPOSITING, SCATTERING, OR RELEASE OF  
21 SEWAGE SLUDGE.

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