

HOUSE BILL 1317

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2001 Regular Session  
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By: **Delegates Guns, Arnick, R. Baker, W. Baker, Billings, Bobo, Boutin,  
Cane, Clagett, D'Amato, Franchot, Frush, Glassman, Hubbard, Hurson,  
James, Mandel, McHale, Montague, Morhaim, Owings, Parrott,  
Pendergrass, Redmer, Riley, Rosso, Rudolph, Stern, and Wood**

Introduced and read first time: February 16, 2001

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Dredged Material Management**

3 FOR the purpose of prohibiting a person from redepositing dredged material in a  
4 certain manner except when used under certain circumstances; authorizing a  
5 person to redeposit a certain amount of dredged material after a certain date  
6 and under certain circumstances; establishing an Executive Committee to  
7 provide oversight in the development of plans for dredged material  
8 management; providing for the membership of the Executive Committee;  
9 providing for the frequency of meetings of the Executive Committee; requiring  
10 the Executive Committee to perform certain duties; requiring the Executive  
11 Committee to provide certain reports to the General Assembly in a certain  
12 manner and by certain dates; defining certain terms; modifying certain  
13 definitions; and generally relating to the management of dredged material.

14 BY repealing and reenacting, with amendments,  
15 Article - Environment  
16 Section 5-1101(a) and 5-1102  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 2000 Supplement)

19 BY adding to  
20 Article - Environment  
21 Section 5-1104.2  
22 Annotated Code of Maryland  
23 (1996 Replacement Volume and 2000 Supplement)

24 Preamble

25 WHEREAS, The Chesapeake Bay and its tributaries are a precious resource to  
26 all Marylanders; and

1 WHEREAS, The Port of Baltimore is a major economic component to the State  
2 of Maryland providing employment and livelihood to Marylanders; and

3 WHEREAS, The Port of Baltimore requires maintaining and improving  
4 shipping channels and berths to serve the international shipping industry; and

5 WHEREAS, The State of Maryland should have a long-range dredged material  
6 management plan that is effective and environmentally sound; now, therefore,

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

9 **Article - Environment**

10 5-1101.

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

12 (1) ["Spoil" means earth, rock, soil, waste matter, muck, or other  
13 material excavated or dredged from Baltimore Harbor and approach channels.]  
14 "DREDGED MATERIAL" MEANS EARTH, SAND, SILT, SEDIMENT, SHELL, ROCK, SOIL,  
15 WASTE MATTER, OR OTHER MATERIAL EXCAVATED OR DREDGED FROM THE  
16 CHESAPEAKE BAY AND ITS TRIBUTARY WATERS.

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

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

(ii) Has a depth that exceeds 60 feet.

(7) "BENEFICIAL USE OF DREDGED MATERIAL" MEANS ANY OF THE FOLLOWING USES OF DREDGED MATERIAL FROM THE CHESAPEAKE BAY AND ITS TRIBUTARY WATERS PLACED INTO WATERS OR ONTO BOTTOMLAND OF THE CHESAPEAKE BAY OR ITS TIDAL TRIBUTARIES, INCLUDING BALTIMORE HARBOR:

(I) THE RESTORATION OF UNDERWATER GRASSES;

(II) THE RESTORATION OF ISLANDS;

(III) THE STABILIZATION OF ERODING SHORELINES;

(IV) THE CREATION OR RESTORATION OF WETLANDS; AND

(V) THE CREATION, RESTORATION, OR ENHANCEMENT OF FISH OR SHELLFISH HABITATS.

(8) "INNOVATIVE REUSE" INCLUDES THE USE OF DREDGED MATERIAL IN THE DEVELOPMENT OR MANUFACTURING OF COMMERCIAL, INDUSTRIAL, HORTICULTURAL, AGRICULTURAL, OR OTHER PRODUCTS.

5-1102.

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

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

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON MAY NOT REDEPOSIT IN AN UNCONFINED MANNER DREDGED MATERIAL INTO OR ONTO ANY PORTION OF THE WATER OR BOTTOMLAND OF THE CHESAPEAKE BAY OR OF THE TIDEWATER PORTION OF ANY OF THE CHESAPEAKE BAY'S TRIBUTARIES EXCEPT WHEN USED FOR A BENEFICIAL USE PROJECT UNDERTAKEN IN ACCORDANCE WITH STATE AND FEDERAL LAWS. HOWEVER, THE DREDGED MATERIAL MAY BE REDEPOSITED IN CONTAINED AREAS APPROVED BY THE DEPARTMENT.

(D) (1) BEGINNING OCTOBER 1, 2001, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AND IN ACCORDANCE WITH STATE AND FEDERAL LAW, A PERSON MAY REDEPOSIT UP TO 7.4 MILLION CUBIC YARDS OF DREDGED MATERIAL INTO OR ONTO ANY PORTION OF THE WATER OR BOTTOMLAND OF THE CHESAPEAKE BAY OR THE

1 TIDEWATER PORTIONS COLLECTIVELY KNOWN AS POOLES ISLAND, INCLUDING  
2 G-WEST AND SITE 92.

3 (2) THE REDEPOSIT OF DREDGED MATERIAL AUTHORIZED UNDER THIS  
4 SUBSECTION MAY NOT OCCUR AFTER THE SOONER OF:

5 (I) DECEMBER 31, 2010; OR

6 (II) THE INITIATION OF THE PLACEMENT OF DREDGED MATERIAL  
7 IN ANY SITE OR SITES APPROVED PURSUANT TO THE PROCESS ESTABLISHED IN §  
8 5-1104.2(D)(1) IF THE TOTAL CAPACITY OF THE APPROVED SITE OR SITES, WHEN  
9 COMBINED WITH THE APPROVED CAPACITY OF EXISTING PLACEMENT SITES  
10 IDENTIFIED IN THE OCTOBER 1, 2000 REPORT TO THE MARYLAND GENERAL  
11 ASSEMBLY REGARDING THE GOVERNOR'S STRATEGIC PLAN FOR DREDGED  
12 MATERIAL MANAGEMENT, PROVIDE 20 YEARS OF PLACEMENT CAPACITY FOR  
13 DREDGED MATERIAL.

14 [(c)] (E) A person may not dump, deposit, scatter, or release sewage sludge by  
15 any means, including discharge from a sewer or pipe, into or onto any portion of the  
16 water or bottomland of the Chesapeake Bay or of the tidewater portions of any of the  
17 Chesapeake Bay's tributaries within 5 miles of the Hart-Miller-Pleasure Island  
18 chain in Baltimore County.

19 [(d)] (F) A person may not [dump, deposit, or scatter any earth, rock, soil,  
20 waste matter, muck,] REDEPOSIT DREDGED MATERIAL or other material excavated  
21 or dredged from the Chesapeake Bay or its tidal tributaries into or onto the area of  
22 the bottomlands or waters of the Chesapeake Bay known as the deep trough.

23 5-1104.2.

24 (A) THERE IS AN EXECUTIVE COMMITTEE CREATED TO PROVIDE OVERSIGHT  
25 IN THE DEVELOPMENT OF THE STATE OF MARYLAND'S PLANS FOR DREDGED  
26 MATERIAL MANAGEMENT.

27 (B) THE EXECUTIVE COMMITTEE SHALL CONSIST OF:

28 (1) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S  
29 DESIGNEE;

30 (2) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S  
31 DESIGNEE;

32 (3) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S  
33 DESIGNEE;

34 (4) A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,  
35 PHILADELPHIA DISTRICT;

36 (5) A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,  
37 BALTIMORE DISTRICT;

1 (6) A REPRESENTATIVE OF THE CHESAPEAKE BAY FOUNDATION,  
2 DESIGNATED BY THE CHESAPEAKE BAY FOUNDATION;

3 (7) A REPRESENTATIVE OF THE MANAGEMENT COMMITTEE OF THE  
4 DREDGED MATERIAL PLACEMENT PROGRAM; AND

5 (8) A CITIZEN REPRESENTATIVE, APPOINTED BY THE GOVERNOR.

6 (C) THE EXECUTIVE COMMITTEE SHALL MEET AS NEEDED, BUT NOT LESS  
7 THAN SEMIANNUALLY.

8 (D) THE EXECUTIVE COMMITTEE SHALL:

9 (1) REVIEW AND RECOMMEND DREDGED MATERIAL PLACEMENT  
10 OPTIONS, INCLUDING, BUT NOT LIMITED TO, THE PLACEMENT SITES IDENTIFIED IN  
11 THE OCTOBER 1, 2000 REPORT TO THE MARYLAND GENERAL ASSEMBLY REGARDING  
12 THE GOVERNOR'S STRATEGIC PLAN FOR DREDGED MATERIAL MANAGEMENT, TO  
13 FILL SHORT-TERM CAPACITY NEEDS AS SPECIFIED IN § 5-1102(D)(2)(II);

14 (2) REVIEW AND RECOMMEND ELEMENTS, AS PART OF A CONTINUOUS  
15 AND LONG-TERM STRATEGIC PLAN FOR DREDGED MATERIAL MANAGEMENT,  
16 INCLUDING CHANGES TO THE PLAN; AND

17 (3) REVIEW AND RECOMMEND DREDGED MATERIAL DISPOSAL SITES  
18 FOR LONG-TERM DREDGED MATERIAL PLACEMENT CAPACITY BASED ON THE  
19 FOLLOWING HIERARCHY:

20 (I) BENEFICIAL USE AND INNOVATIVE REUSE OF DREDGED  
21 MATERIAL;

22 (II) UPLAND SITES AND OTHER ENVIRONMENTALLY SOUND  
23 CONFINED CAPACITY;

24 (III) EXPANSION OF EXISTING DREDGED MATERIAL DISPOSAL  
25 CAPACITY OTHER THAN THE HART-MILLER ISLAND DREDGED MATERIAL  
26 CONTAINMENT FACILITY AND AREAS COLLECTIVELY KNOWN AS POOLES ISLAND,  
27 INCLUDING G-WEST AND SITE 92; AND

28 (IV) OTHER DREDGED MATERIAL PLACEMENT OPTIONS TO MEET  
29 LONG-TERM PLACEMENT NEEDS, EXCEPT FOR REDEPOSITING DREDGED MATERIAL  
30 IN AN UNCONFINED MANNER.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Executive Committee  
32 established under this Act shall submit a report, subject to § 2-1246 of the State  
33 Government Article, to the General Assembly: (a) on or before December 31, 2001, on  
34 the implementation of this Act; and (b) on or before December 31, 2002, on  
35 recommendations for a strategic long-term dredged material management plan for  
36 Maryland.

1       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2001.