

HOUSE BILL 1317

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2001 Regular Session
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CF 11r2517

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
Re-referred to: Environmental Matters, February 26, 2001

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 17, 2001

CHAPTER _____

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

1 Annotated Code of Maryland
2 (1996 Replacement Volume and 2000 Supplement)

3 Preamble

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

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

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

10 WHEREAS, The State of Maryland should have a long-range dredged material
11 management plan that is effective and environmentally sound; 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
18 material excavated or dredged from Baltimore Harbor and approach channels.]
19 "DREDGED MATERIAL" MEANS EARTH, SAND, SILT, SEDIMENT, SHELL, ROCK, SOIL,
20 WASTE MATTER, OR OTHER MATERIAL EXCAVATED OR DREDGED FROM THE
21 CHESAPEAKE BAY AND ITS TRIBUTARY WATERS.

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

26 (3) "Redeposit" means to dump, scatter, pour, or otherwise deposit
27 [spoil] DREDGED MATERIAL [or, if made applicable by the provisions of this subtitle
28 or Title 5 of the Natural Resources Article, Baltimore County tributary spoil in a
29 confined manner].

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

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

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

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

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

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

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

11 (I) THE RESTORATION OF UNDERWATER GRASSES;

12 (II) THE RESTORATION OF ISLANDS;

13 (III) THE STABILIZATION OF ERODING SHORELINES;

14 (IV) THE CREATION OR RESTORATION OF WETLANDS; AND

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

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

20 5-1102.

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

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

32 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON
33 MAY NOT REDEPOSIT IN AN UNCONFINED MANNER DREDGED MATERIAL INTO OR
34 ONTO ANY PORTION OF THE WATER OR BOTTOMLAND OF THE CHESAPEAKE BAY OR
35 OF THE TIDEWATER PORTION OF ANY OF THE CHESAPEAKE BAY'S TRIBUTARIES
36 EXCEPT WHEN USED FOR A BENEFICIAL USE PROJECT UNDERTAKEN IN

1 ACCORDANCE WITH STATE AND FEDERAL LAWS. HOWEVER, THE DREDGED
2 MATERIAL MAY BE REDEPOSITED IN CONTAINED AREAS APPROVED BY THE
3 DEPARTMENT.

4 (D) (1) BEGINNING OCTOBER 1, 2001, SUBJECT TO PARAGRAPH (2) OF THIS
5 SUBSECTION, AND IN ACCORDANCE WITH STATE AND FEDERAL LAW, A PERSON MAY
6 REDEPOSIT UP TO 7.4 MILLION CUBIC YARDS OF DREDGED MATERIAL INTO OR ONTO
7 ANY PORTION OF THE WATER ~~OR, BOTTOMLAND OF THE CHESAPEAKE BAY,~~ OR THE
8 TIDEWATER PORTIONS OF THE CHESAPEAKE BAY COLLECTIVELY KNOWN AS POOL
9 ISLAND, INCLUDING G-WEST AND SITE 92.

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

12 (I) DECEMBER 31, 2010; OR

13 (II) THE INITIATION OF THE PLACEMENT OF DREDGED MATERIAL
14 IN ANY SITE OR SITES APPROVED PURSUANT TO THE PROCESS ESTABLISHED IN §
15 5-1104.2(D)(1) IF THE TOTAL CAPACITY OF THE APPROVED SITE OR SITES, WHEN
16 COMBINED WITH THE APPROVED CAPACITY OF EXISTING PLACEMENT SITES
17 IDENTIFIED IN THE OCTOBER 1, 2000 REPORT TO THE MARYLAND GENERAL
18 ASSEMBLY REGARDING THE GOVERNOR'S STRATEGIC PLAN FOR DREDGED
19 MATERIAL MANAGEMENT, PROVIDE 20 YEARS OF PLACEMENT CAPACITY FOR
20 DREDGED MATERIAL.

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

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

30 5-1104.2.

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

34 (B) (1) THE EXECUTIVE COMMITTEE SHALL CONSIST OF:

35 ~~(1)~~ (1) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S
36 DESIGNEE;

37 ~~(2)~~ (II) THE SECRETARY OF NATURAL RESOURCES, OR THE
38 SECRETARY'S DESIGNEE;

1 (3) (III) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S
2 DESIGNEE;

3 (4) ~~A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,~~
4 ~~PHILADELPHIA DISTRICT;~~

5 (5) ~~A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,~~
6 ~~BALTIMORE DISTRICT;~~

7 (6) (IV) A REPRESENTATIVE OF THE CHESAPEAKE BAY FOUNDATION,
8 DESIGNATED BY THE CHESAPEAKE BAY FOUNDATION;

9 (7) (V) A REPRESENTATIVE OF THE MANAGEMENT COMMITTEE OF
10 THE DREDGED MATERIAL PLACEMENT PROGRAM; AND

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

12 (2) THE GOVERNOR SHALL INVITE THE FOLLOWING PEOPLE TO SERVE
13 AS MEMBERS OF THE EXECUTIVE COMMITTEE:

14 (I) A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,
15 PHILADELPHIA DISTRICT; AND

16 (II) A REPRESENTATIVE OF THE ARMY CORPS OF ENGINEERS,
17 BALTIMORE DISTRICT.

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

20 (D) THE EXECUTIVE COMMITTEE SHALL:

21 (1) REVIEW AND RECOMMEND TO THE GOVERNOR DREDGED MATERIAL
22 PLACEMENT OPTIONS, INCLUDING, BUT NOT LIMITED TO, THE PLACEMENT SITES
23 IDENTIFIED IN THE OCTOBER 1, 2000 REPORT TO THE MARYLAND GENERAL
24 ASSEMBLY REGARDING THE GOVERNOR'S STRATEGIC PLAN FOR DREDGED
25 MATERIAL MANAGEMENT, TO FILL SHORT-TERM CAPACITY NEEDS AS SPECIFIED IN
26 § 5-1102(D)(2)(II);

27 (2) REVIEW AND RECOMMEND TO THE GOVERNOR ELEMENTS, AS PART
28 OF A CONTINUOUS AND LONG-TERM STRATEGIC PLAN FOR DREDGED MATERIAL
29 MANAGEMENT, INCLUDING CHANGES TO THE PLAN; AND

30 (3) REVIEW AND RECOMMEND TO THE GOVERNOR DREDGED MATERIAL
31 DISPOSAL SITES FOR LONG-TERM DREDGED MATERIAL PLACEMENT CAPACITY
32 BASED ON THE FOLLOWING HIERARCHY:

33 (I) BENEFICIAL USE AND INNOVATIVE REUSE OF DREDGED
34 MATERIAL;

35 (II) UPLAND SITES AND OTHER ENVIRONMENTALLY SOUND
36 CONFINED CAPACITY;

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

5 (IV) OTHER DREDGED MATERIAL PLACEMENT OPTIONS TO MEET
6 LONG-TERM PLACEMENT NEEDS, EXCEPT FOR REDEPOSITING DREDGED MATERIAL
7 IN AN UNCONFINED MANNER.

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

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