

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 72 (Delegate Hutchins, *et al.*)
Environmental Matters

Chesapeake Bay - Dredged Material Management

This bill prohibits the placement of dredge material at Site 104 by altering the definition of “deep trough” to include any region that is within the area of the Chesapeake Bay known as Site 104.

The bill takes effect July 1, 2001.

Fiscal Summary

State Effect: Based on the updated strategic plan that the Maryland Port Administration (MPA) is currently drafting, which does not include Site 104 as a placement option, the bill would not materially affect State operations or finances. The bill would eliminate the possibility of future use of the site should it be reconsidered as a placement option.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The dumping of material dredged from the Chesapeake Bay or its tidal tributaries is prohibited in the deep trough, an area defined as any region that is south of the Chesapeake Bay Bridge and north of a line extending westerly from Bloody Point and has a depth exceeding 60 feet.

Background: Dredged material is collected as a result of the need to periodically dredge the bottom of the major approach channels to the Port of Baltimore, as well as the port itself, to ensure that these waterways are deep enough to allow ships to enter and exit without scraping the bottom. The largest ships entering the port require a depth of up to 40 feet. According to the MPA, about four to five million cubic yards (mcy) of material has to be dredged from the Chesapeake Bay annually to maintain shipping channels to Baltimore. Over time, the amount of dredged material is expected to increase to accommodate the increasing size of new ships. Additional dredged material will result from several planned channel improvement projects.

Currently, most of the material dredged from the upper bay is placed at Hart-Miller Island. Another containment facility is under construction on Poplar Island. A 1996 task force examined long-term options for handling the roughly 108 million cubic yards of material expected to be dredged over the next 20 years. The 1996 Governor's Action Plan for Dredged Material Management recommended that a combination of six sites, including an unspecified open water site, be used to dispose of the clean dredge spoil.

The MPA recommended an open water site, known as "Site 104," as a short-term placement option that would hold up to 18 mcy of clean dredged material from the upper bay. According to the Maryland Department of the Environment, open water sites are needed to balance the cost of the more expensive beneficial use and island creation sites in order to provide an affordable dredged material management program. The MPA estimates that the cost of open water disposal is \$2 to \$5 per cubic yard, while the cost of other forms of disposal, such as the Poplar Island restoration project, can be over \$11 per cubic yard. Despite its low cost, the proposal to dispose of dredged material at Site 104 drew much controversy.

The federal Army Corps of Engineers (Corps) is responsible for dredging operations nationwide. In February 1999, the Corps completed a draft Environmental Impact Statement (dEIS) that concluded that the use of Site 104 as a disposal site would not pose significant environmental damage. The Chesapeake Bay Foundation, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the U.S. Environmental Protection Agency publicly criticized the Corps' evaluation of the project and expressed concerns that the project would release significant amounts of nutrients into the bay's waters. After review and analysis of public concerns and consultation with those agencies, the Corps announced in August 1999 that it would formally revise the dEIS. After further study, the Corps reported in June 2000 that it had found contaminants in the soils of the port channels that could kill or seriously harm marine species.

In response to the Corps' findings, Governor Glendening announced that he had terminated any and all consideration of the use of Site 104 as a disposal site for dredged

material. The Governor has directed the MPA to update the 1996 strategic plan in light of this decision. The MPA advises that recommendations for the updated plan will be finalized during the summer of 2001.

Additional Information

Prior Introductions: HB 68, SB 26/HB 40, HB 662, and HB 25 of 2000 all related to the dumping of dredged material. The Senate Economic and Environmental Affairs Committee and the House Environmental Matters Committee held hearings on the bills. HB 68 passed the House and was referred to the Senate Economic and Environmental Affairs Committee, but no further action was taken. HB 25, HB 40, and HB 662 all received unfavorable reports by the House Environmental Matters Committee. In the 1999 session, SB 325/HB 756, SB 465, HB 624, HB 910, HB 912, and HB 954 also dealt with dumping of dredged material. The Senate Economic and Environmental Affairs Committee and the House Environmental Matters Committee held hearings on the bills. The House Environmental Matters Committee reported HB 756 favorably.

Cross File: None.

Information Source(s): Department of Transportation (Maryland Port Administration), Maryland Department of the Environment, Department of Legislative Services

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