

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 320

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Colburn,”; in lines 2, 3, and 16, in each instance, strike “Bay Watershed” and substitute “and Atlantic Coastal Bays”; in line 4, after the semicolon insert “declaring certain legislative intent related to the Fund;”; in line 6, strike “and loans”; in line 8, after “removal” insert “and for certain other uses, in accordance with certain criteria”; in the same line, strike “an environmental surcharge” and substitute “certain Bay restoration fees”; in line 9, after “facilities” insert “, onsite sewage disposal systems, and sewage holding tanks, and providing for certain exemptions; providing for the collection of the fees by certain collection authorities; authorizing the Comptroller to adopt certain regulations”; in line 10, after “Fund” insert “, including the establishment from certain fee revenue of a separate account within the Fund to be used for certain purposes; providing for the payment of certain administrative costs”; in the same line, after “committee” insert “, and providing for certain terms, membership, and duties of the committee”; in the same line, strike “certain reports” and substitute “the committee to report to certain persons”; strike beginning with “authorizing” in line 12 down through “surcharge;” in line 13; and strike beginning with “providing” in line 14 down through “Committee;” in line 15.

AMENDMENT NO. 2

On page 2, in line 7, after “(C)” insert ““BAY RESTORATION FUND” MEANS THE CHESAPEAKE AND ATLANTIC COASTAL BAYS RESTORATION FUND ESTABLISHED UNDER § 9-1605.2 OF THIS SUBTITLE.

(D)”;

in lines 11, 12, 15, 18, 20, 21, 23, 25, and 30, strike “(D)”, “(E)”, “(F)”, “(G)”, “(H)”, “(I)”, “(J)”, “(K)”, and “(L)”, respectively, and substitute “(E)”, “(F)”, “(G)”, “(H)”, “(I)”, “(J)”, “(K)”, “(L)”, and “(M)”, respectively; in line 9, after “LITER” insert “, AS”; in line 23, strike “THOSE” and substitute “THE”; in the same line, strike “IN § 9-1605.2(E)” and substitute “UNDER §

(Over)

9-1605.2(I)”; in line 25, after “MEANS” insert “; (1)”;

in line 26, after “TECHNOLOGY” insert “THAT IS”; in line 27, after “TO” insert “CONCENTRATIONS OF”; in the same line, strike “4” and substitute “3”; in line 29, after “PHOSPHORUS” insert “, AS”; and in the same line, after “BASIS” insert “; OR”

(2) IF THE DEPARTMENT HAS DETERMINED THAT THE CONCENTRATIONS UNDER ITEM (1) OF THIS SUBSECTION ARE NOT PRACTICABLE FOR A WASTEWATER FACILITY, THE LOWEST AVERAGE ANNUAL WASTEWATER EFFLUENT NITROGEN AND PHOSPHORUS CONCENTRATIONS THAT THE DEPARTMENT DETERMINES ARE PRACTICABLE FOR THAT FACILITY”.

On pages 2 and 3, strike beginning with “AN” in line 32 on page 2 down through “(2)” in line 1 on page 3.

On page 3, in line 1, before “THE” insert “IF A LOCAL GOVERNMENT OR BILLING AUTHORITY FOR A WASTEWATER FACILITY HAS ESTABLISHED A DEFINITION FOR “EQUIVALENT DWELLING UNIT” ON OR BEFORE JANUARY 1, 2004,”; in the same line, strike “TOTAL”; in lines 2 and 3, strike “FOR A WASTEWATER FACILITY DETERMINES” and substitute “HAS ESTABLISHED”; in line 4, strike “AND”; in line 5, after “GALLONS” insert “; OR”

(2) IF A LOCAL GOVERNMENT OR BILLING AUTHORITY HAS NOT ESTABLISHED A DEFINITION FOR “EQUIVALENT DWELLING UNIT” ON OR BEFORE JANUARY 1, 2004, OR IF A LOCAL GOVERNMENT OR BILLING AUTHORITY HAS ESTABLISHED A DEFINITION THAT EXCEEDS 250 GALLONS OF WASTEWATER EFFLUENT PER DAY, AN AVERAGE DAILY FLOW OF 250 GALLONS OF WASTEWATER EFFLUENT”;

in lines 6, 8, 11, 14, 17, 18, 20, 21, 22, 24, and 26, strike “(M)”, “(N)”, “(O)”, “(P)”, “(Q)”, “(R)”, “(S)”, “(T)”, “(U)”, “(V)”, and “(W)”, respectively, and substitute “(N)”, “(O)”, “(P)”, “(Q)”, “(R)”, “(S)”, “(T)”, “(U)”, “(V)”, “(W)”, and “(X)”, respectively; in line 15, strike “WATERSHED” and substitute “BAY”; and strike in their entirety lines 28 through 31, inclusive.

On page 4, after line 6, insert:

“(BB) (1) “LOCAL GOVERNMENT” MEANS A COUNTY, MUNICIPAL CORPORATION, SANITARY DISTRICT, OR OTHER STATE OR LOCAL PUBLIC ENTITY

WHICH HAS AUTHORITY TO OWN OR OPERATE A FACILITY.

(2) “LOCAL GOVERNMENT” INCLUDES ANY COMBINATION OF TWO OR MORE OF THE PUBLIC ENTITIES UNDER PARAGRAPH (1) OF THIS SUBSECTION WHEN ACTING JOINTLY TO CONSTRUCT OR OPERATE A FACILITY.

(CC) “PERSON” MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, THE STATE, A COUNTY, MUNICIPAL CORPORATION, COMMISSION, OR OTHER POLITICAL SUBDIVISION OF THE STATE, AND ANY OF THEIR UNITS, OR THE FEDERAL GOVERNMENT.”;

in lines 7, 16, 19, 29, and 31, strike “(BB)”, “(CC)”, “(DD)”, “(EE)”, and “(FF)”, respectively, and substitute “(DD)”, “(FF) (1)”, “(GG)”, “(HH)”, and “(II)”, respectively; in line 14, strike “CONVENT, MONASTERY,”; after line 15, insert:

“(EE) “SINGLE SITE” MEANS A DISCRETE GROUPING OF BUILDINGS OR STRUCTURES THAT ARE LOCATED ON CONTIGUOUS OR ADJACENT PROPERTY AND OWNED BY THE SAME USER.”;

in line 16, after “DISCHARGING” insert “WASTEWATER”; in line 17, after “STATE” insert “DISCHARGE PERMIT”; after line 18, insert:

“(2) “USER” DOES NOT INCLUDE A PERSON WHOSE SOLE DISCHARGE IS STORMWATER UNDER A STORMWATER PERMIT.”;

and strike in their entirety lines 33 and 34.

AMENDMENT NO. 3

On page 5, in line 25, strike “BAY WATERSHED” and substitute “AND ATLANTIC COASTAL BAYS”; in line 26, after “(2)” insert “IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE BAY RESTORATION FUND BE:

(I) USED, IN PART, TO PROVIDE THE FUNDING NECESSARY TO UPGRADE ANY OF THE WASTEWATER TREATMENT FACILITIES THAT ARE LOCATED

(Over)

IN THE STATE OR USED BY CITIZENS OF THE STATE IN ORDER TO ACHIEVE ENHANCED NUTRIENT REMOVAL WHERE IT IS COST-EFFECTIVE TO DO SO; AND

(II) AVAILABLE FOR TREATMENT FACILITIES DISCHARGING INTO THE ATLANTIC COASTAL BAYS OR OTHER WATERS OF THE STATE, BUT THAT PRIORITY BE GIVEN TO TREATMENT FACILITIES DISCHARGING INTO THE CHESAPEAKE BAY.

(3)”;

in the same line, strike “WATERSHED” and substitute “BAY”; in line 28, strike “SUBTITLE” and substitute “SECTION”; in line 30, strike “(3) FOR THE PURPOSES OF THIS SUBTITLE,” and substitute “(4)”; in lines 30 and 31, strike “AN ENVIRONMENTAL SURCHARGE” and substitute “A BAY RESTORATION FEE”; in line 32, after “FACILITY” insert “, AN ONSITE SEWAGE DISPOSAL SYSTEM, OR A HOLDING TANK THAT:

(I) IS LOCATED”;

in the same line, strike “AS FOLLOWS” and substitute “; OR

(II) SERVES A MARYLAND USER AND IS ELIGIBLE FOR FUNDING UNDER THIS SUBTITLE.

(B) (1) THE BAY RESTORATION FEE IS”;

in line 33, after “DWELLING” insert “THAT RECEIVES AN INDIVIDUAL SEWER BILL”; in lines 33 and 34, strike “THE ENVIRONMENTAL SURCHARGE SHALL BE”; and in line 34, strike the period and substitute a semicolon.

On page 6, in line 1, after “(II)”, insert “BEGINNING JULY 1, 2005, FOR EACH USER OF AN ONSITE SEWAGE DISPOSAL SYSTEM, \$2.50 PER MONTH;

(III) BEGINNING JULY 1, 2005, FOR EACH USER OF A SEWAGE HOLDING TANK, \$2.50 PER MONTH; AND

(IV) FOR A BUILDING OR GROUP OF BUILDINGS UNDER SINGLE OWNERSHIP OR MANAGEMENT THAT CONTAINS MULTIPLE RESIDENTIAL DWELLINGS THAT DO NOT RECEIVE AN INDIVIDUAL SEWER BILL OR”;

strike beginning with “WITH” in line 1 down through “BE” in line 3; in lines 5 and 7, in each instance, strike “2,000” and substitute “3,000”; in lines 5 and 6, strike “FOR EACH EQUIVALENT DWELLING UNIT”; in line 6, strike “AND”; in line 7, strike “OVER” and substitute “EXCEEDING”; in line 8, strike “8,000” and substitute “5,000”; in line 9, strike “FOR EACH EQUIVALENT DWELLING UNIT.” and substitute “; AND”; and strike in their entirety lines 10 through 12, inclusive, and substitute:

“3. FOR EACH EQUIVALENT DWELLING UNIT EXCEEDING 5,000 EQUIVALENT DWELLING UNITS, ZERO.

(2) (I) FOR A RESIDENTIAL DWELLING THAT RECEIVES AN INDIVIDUAL SEWER BILL, A BUILDING OR GROUP OF BUILDINGS UNDER SINGLE OWNERSHIP OR MANAGEMENT THAT CONTAINS MULTIPLE RESIDENTIAL DWELLINGS THAT DO NOT RECEIVE AN INDIVIDUAL SEWER BILL, AND A NONRESIDENTIAL USER, THE RESTORATION FEE SHALL BE:

1. STATED IN A SEPARATE LINE ON THE SEWER BILL THAT IS LABELED “BAY RESTORATION FEE”; AND

2. COLLECTED FOR EACH CALENDAR QUARTER, UNLESS A LOCAL GOVERNMENT OR BILLING AUTHORITY FOR A WASTEWATER FACILITY ESTABLISHED SOME OTHER BILLING PERIOD ON OR BEFORE JANUARY 1, 2004.

(II) FOR USERS OF AN ONSITE SEWAGE DISPOSAL SYSTEM AND FOR USERS OF A SEWAGE HOLDING TANK, THE RESTORATION FEE SHALL BE COLLECTED BY THE METHOD AND FREQUENCY DETERMINED APPROPRIATE BY THE DEPARTMENT.

(3) THE TOTAL FEE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED \$120,000 ANNUALLY FOR A SINGLE SITE.

(4) (I) FOR PURPOSES OF MEASURING AVERAGE DAILY WASTEWATER FLOW, THE LOCAL GOVERNMENT OR BILLING AUTHORITY FOR A WASTEWATER FACILITY SHALL USE EXISTING MEASURING METHODS, WHICH MAY INCLUDE WATER USAGE OR OTHER ESTIMATION METHODS.

(II) THE AVERAGING PERIOD IS:

1. THE BILLING PERIOD ESTABLISHED BY THE LOCAL GOVERNMENT OR BILLING AUTHORITY; OR

2. IF A BILLING PERIOD IS NOT ESTABLISHED BY THE LOCAL GOVERNMENT OR BILLING AUTHORITY, A QUARTER OF A CALENDAR YEAR.”.

AMENDMENT NO. 4

On page 6, in line 13, strike “(IV)” and substitute “(C)”; in the same line, strike “NONRESIDENTIAL”; in line 14, strike “SURCHARGE” and substitute “RESTORATION FEE”; in line 15, strike “1.” and substitute “(1) (I) 1.”; in the same line, after “THE” insert “USER’S”; in lines 18 and 19, strike “HAVE NOT EXCEEDED 3 MILLIGRAMS PER LITER TOTAL NITROGEN AND 0.3 MILLIGRAMS PER LITER TOTAL PHOSPHORUS; AND” and substitute “DEMONSTRATE THAT THE FACILITY IS ACHIEVING ENHANCED NUTRIENT REMOVAL, AS DEFINED UNDER § 9-1601(L) OF THIS SUBTITLE; OR

2. THE DEPARTMENT HAS DETERMINED THAT THE WASTEWATER FACILITY IS NOT REQUIRED TO MONITOR FOR NITROGEN OR PHOSPHORUS IN ITS DISCHARGE PERMIT; AND”;

in line 20, strike “2. THE OWNER OF THE” and substitute “(II) THE USER’S WASTEWATER”; in lines 21 and 22, strike “FOR BIOLOGICAL NUTRIENT REMOVAL OR ENHANCED NUTRIENT REMOVAL”; in line 22, strike the period and substitute a semicolon; after line 22, insert:

“(2) (I) THE USER’S WASTEWATER FACILITY DISCHARGES TO GROUNDWATER AND THE ANNUAL AVERAGE NUTRIENT CONCENTRATIONS IN THE WASTEWATER PRIOR TO DISCHARGE TO GROUNDWATER HAVE NOT EXCEEDED 3 MILLIGRAMS PER LITER TOTAL NITROGEN AND 0.3 MILLIGRAMS PER LITER TOTAL PHOSPHORUS, AS DEMONSTRATED BY ANALYSIS OF THE GROUNDWATER FROM MONITORING WELLS LOCATED ON THE PROPERTY AND AS REPORTED IN DISCHARGE MONITORING REPORTS FOR THE PREVIOUS CALENDAR YEAR; AND

(II) THE USER’S WASTEWATER FACILITY HAS NOT RECEIVED A FEDERAL OR STATE GRANT FOR THAT FACILITY; OR

(3) THE DEPARTMENT DETERMINES THAT:

(I) THE USER’S WASTEWATER FACILITY DISCHARGES NONCONTACT COOLING WATER, WATER FROM DEWATERING OPERATIONS, OR RECLAIMED WASTEWATER FROM A FACILITY WHOSE USERS PAY IN TO THE FUND; AND

(II) THE DISCHARGE DOES NOT RESULT IN A NET INCREASE IN LOADING OF NUTRIENTS COMPARED TO THE INTAKE WATER.”;

in line 23, strike “(V)” and substitute “(D) (1)”; in line 24, after “GOVERNMENT” insert “OR A BILLING AUTHORITY FOR A WASTEWATER FACILITY”; in line 27, strike “SURCHARGE” and substitute “RESTORATION FEE”; strike in their entirety lines 28 through 33, inclusive; in line 34, strike “(VII) 1. THE SURCHARGE” and substitute “(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE BAY RESTORATION FEE”; in line 34, after the second “THE” insert “WASTEWATER FACILITY OR THE”; in line 35, after “FACILITY” insert “, AS APPROPRIATE,”; after line 35, insert:

“(II) FOR A WASTEWATER FACILITY WITHOUT A BILLING AUTHORITY, THE COMPTROLLER MAY COLLECT THE RESTORATION FEE FROM THE FACILITY OWNER.

(3) A LOCAL GOVERNMENT, BILLING AUTHORITY FOR A

WASTEWATER FACILITY, OR ANY OTHER AUTHORIZED COLLECTING AGENCY:

(I) MAY USE ALL OF ITS EXISTING PROCEDURES AND AUTHORITY FOR COLLECTING A WATER AND SEWER BILL, AN ONSITE SEWAGE DISPOSAL SYSTEM BILL, OR A HOLDING TANK BILL IN ORDER TO ENFORCE THE COLLECTION OF THE BAY RESTORATION FEE; AND

(II) SHALL ESTABLISH A SEGREGATED ACCOUNT FOR THE DEPOSIT OF FUNDS COLLECTED UNDER THIS SECTION.”;

and strike in their entirety lines 36 through 39, inclusive.

On page 7, strike in their entirety lines 1 through 6, inclusive, and substitute:

“(E) (1) THE WASTEWATER FACILITY, THE BILLING AUTHORITY FOR THE FACILITY, OR ANY OTHER AUTHORIZED COLLECTING AGENCY SHALL COMPLETE AND SUBMIT, UNDER OATH, A RETURN AND REMIT THE RESTORATION FEES COLLECTED TO THE COMPTROLLER:

(I) ON OR BEFORE THE 20TH DAY OF THE MONTH THAT FOLLOWS THE CALENDAR QUARTER IN WHICH THE RESTORATION FEE WAS COLLECTED; AND

(II) FOR OTHER PERIODS AND ON OTHER DATES THAT THE COMPTROLLER MAY SPECIFY BY REGULATION, INCLUDING PERIODS IN WHICH NO RESTORATION FEE HAS BEEN COLLECTED.

(2) EXCEPT TO THE EXTENT OF ANY INCONSISTENCY WITH THIS SUBSECTION, THE PROVISIONS OF TITLE 13 OF THE TAX - GENERAL ARTICLE THAT ARE APPLICABLE TO THE SALES AND USE TAX SHALL GOVERN THE ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF THE RESTORATION FEE UNDER THIS SECTION.

(3) THE COMPTROLLER:

(I) SHALL ADMINISTER THE RESTORATION FEE; AND

(II) MAY ADOPT REGULATIONS NECESSARY TO ADMINISTER, COLLECT, AND ENFORCE THE RESTORATION FEE.

(4) (I) FROM THE RESTORATION FEE REVENUE, THE COMPTROLLER SHALL DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT THE AMOUNT THAT IS NECESSARY TO ADMINISTER THE FEE, WHICH MAY NOT EXCEED 0.5% OF THE FEES COLLECTED BY THE COMPTROLLER.

(II) AFTER MAKING THE DISTRIBUTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DEPOSIT THE RESTORATION FEE IN THE BAY RESTORATION FUND.

(5) THE STATE CENTRAL COLLECTION UNIT MAY COLLECT DELINQUENT ACCOUNTS UNDER THIS SECTION IN ACCORDANCE WITH § 3-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”;

in line 7, strike “(B)” and substitute “(F)”;

in the same line, after “(1)” insert “(I)”;

in the same line, strike “WATERSHED” and substitute “BAY”;

in line 9, after “ARTICLE” insert “AND SHALL BE AVAILABLE IN PERPETUITY FOR THE PURPOSE OF PROVIDING FINANCIAL ASSISTANCE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.”

(II) MONEY IN THE FUND MAY NOT REVERT OR BE TRANSFERRED TO THE GENERAL FUND OF THE STATE”;

in line 10, strike “WATERSHED” and substitute “BAY”;

in line 12, strike “SUBTITLE,” and substitute “SECTION”;

in the same line, after “FOR” insert “:

(I)”;

in line 15, after “PERMIT” insert “: AND

(II) ALL PROJECTS IDENTIFIED IN SUBSECTION (I) OF THIS

SECTION”;

in lines 18, 19, 21, 22, 25, 26, 29, and 34, in each instance, strike “WATERSHED” and substitute “BAY”; in line 27, strike “ONCE EVERY 2 YEARS”; in the same line, strike “FOR IN” and substitute “UNDER”; strike in their entirety lines 32 and 33; in line 34, strike “(C)” and substitute “(G)”; and in line 35, strike “ENVIRONMENTAL SURCHARGE” and substitute “RESTORATION FEE”.

AMENDMENT NO. 5

On page 8, in lines 2, 4, 7, 11, 18, 32, and 34, in each instance, strike “WATERSHED” and substitute “BAY”; in line 6, strike “(D)” and substitute “(H) (1) WITH REGARD TO THE FUNDS COLLECTED UNDER SUBSECTION (B)(1)(II) OF THIS SECTION, BEGINNING IN FISCAL YEAR 2006, THE COMPTROLLER SHALL:

(I) ESTABLISH A SEPARATE ACCOUNT WITHIN THE BAY RESTORATION FUND; AND

(II) 1. DEPOSIT 70% OF THE FUNDS IN THAT ACCOUNT, TO BE USED FOR PROJECTS THAT WILL ENHANCE THE REMOVAL OF NITROGEN FROM ONSITE SEWAGE DISPOSAL SYSTEMS OR FOR OTHER COST-EFFECTIVE METHODS TO REDUCE THE DISCHARGE OF NITROGEN FROM ONSITE SEWAGE DISPOSAL SYSTEMS, WITH PRIORITY GIVEN TO THE UPGRADING OF FAILING SYSTEMS LOCATED IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA; AND

2. TRANSFER 30% OF THE FUNDS TO THE MARYLAND AGRICULTURE WATER QUALITY COST SHARE PROGRAM IN THE DEPARTMENT OF AGRICULTURE IN ORDER TO FUND COVER CROP ACTIVITIES.

(2)”;

in the same line, strike “ADMINISTRATION” and substitute “COMPTROLLER”; in the same line, after “ESTABLISH” insert “ANY OTHER”; in line 7, after “FUND” insert “AS NECESSARY”; in lines 8, 9, 10, and 12, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “(I)”, “(II)”, “(III)”, and “(IV)”, respectively; in line 14, strike “(E)” and substitute “(I)”; in line 18, strike “MAY” and substitute “SHALL”; in lines 22 and 23, strike “WITH A DESIGN CAPACITY OF

500,000 GALLONS OR MORE PER DAY” and substitute “FOR FLOWS UP TO THE DESIGN CAPACITY OF THE WASTEWATER FACILITY, AS APPROVED BY THE DEPARTMENT,”; in lines 23 and 24, strike “AS REQUIRED BY THE CONDITIONS OF A GRANT AGREEMENT AND A DISCHARGE PERMIT”; in line 25, strike the period and substitute a semicolon; in line 26, after “(II)” insert:

“1. IN FISCAL YEARS 2005 THROUGH 2009, INCLUSIVE, FOR A PORTION OF THE COSTS OF PROJECTS RELATING TO COMBINED SEWER OVERFLOWS ABATEMENT, REHABILITATION OF EXISTING SEWERS, AND UPGRADING CONVEYANCE SYSTEMS, INCLUDING PUMPING STATIONS, TO BE DISTRIBUTED TO WASTEWATER FACILITIES BASED ON THE AVERAGE ANNUAL FLOW OF THE WASTEWATER FACILITY AND THE EXTENT OF THE UPGRADES NEEDED, NOT TO EXCEED AN ANNUAL TOTAL OF \$7,000,000; AND

2. IN FISCAL YEARS 2010 AND THEREAFTER,”;

in line 28, strike “ENVIRONMENTAL SURCHARGE” and substitute “RESTORATION FEE”; in the same line, after “COLLECTED” insert “UNDER THIS SECTION”; and in line 29, strike “ADMINISTRATION” and substitute “COMPTROLLER”.

On page 9, in lines 2 and 24, in each instance, strike “WATERSHED” and substitute “BAY”; in lines 3, 6, and 8, in each instance, strike “ENVIRONMENTAL SURCHARGE” and substitute “RESTORATION FEES”; in line 3, strike “ADMINISTRATION” and substitute “COMPTROLLER”; in line 4, after “(VI)” insert “IN FISCAL YEARS 2005 THROUGH 2007, INCLUSIVE,”; in the same line, after “BY” insert “A LOCAL GOVERNMENT OR”; in lines 6 and 7, strike “THE ADMINISTRATIVE COSTS MAY BE RETAINED BY THE BILLING AUTHORITY”; in line 7, strike “3%” and substitute “5%”; in line 8, strike “THE” and substitute “THAT LOCAL GOVERNMENT OR”; in lines 9 and 10, strike “WITH A DESIGN CAPACITY OF LESS THAN 500,000 GALLONS PER DAY” and substitute “TO ACHIEVE ADDITIONAL NUTRIENT REMOVAL OR WATER QUALITY IMPROVEMENT”; in line 11, strike “PARAGRAPH (4)” and substitute “PARAGRAPHS (6) AND (7)”; in the same line, strike “AND”; in line 12, after “BONDS” insert “; AND”

(Over)

(IX) SUBJECT TO THE CONDITIONS UNDER SUBSECTION (H) OF THIS SECTION, PROJECTS RELATED TO THE REMOVAL OF NITROGEN FROM ONSITE SEWAGE DISPOSAL SYSTEMS AND COVER CROP ACTIVITIES”;

in line 13, after “AND” insert “STATE”; in the same line, after “PERMIT” insert “, IF APPLICABLE,”; in line 16, after “FACILITY” insert “IN ORDER TO ACHIEVE ENHANCED NUTRIENT REMOVAL PERFORMANCE LEVELS.”

(4) (I) ALL WASTEWATER FACILITIES SERVING MARYLAND USERS THAT HAVE CONTRIBUTED TO THE BAY RESTORATION FUND ARE ELIGIBLE FOR GRANTS UNDER THIS SECTION, INCLUDING THE BLUE PLAINS WASTEWATER TREATMENT PLANT IN THE DISTRICT OF COLUMBIA.

(II) GRANTS ISSUED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION FOR UPGRADES TO THE BLUE PLAINS WASTEWATER TREATMENT PLANT MAY BE AWARDED ONLY IF EACH PARTY TO THE BLUE PLAINS INTERMUNICIPAL AGREEMENT OF 1985 CONTRIBUTES A PROPORTIONAL SHARE OF THE UPGRADE COSTS IN ACCORDANCE WITH THE BLUE PLAINS INTERMUNICIPAL AGREEMENT OF 1985, AS REVISED AND UPDATED”;

in line 17, strike “(4) (I)” and substitute “(5) PRIORITY FOR FUNDING”; in line 18, strike “COMMENCED ONLY ON COMPLETION OF” and substitute “GIVEN TO”; in line 21, strike “(II)” and substitute “(6) (I)”; in the same line, after “ELIGIBILITY” insert “AND PRIORITY RANKING”; in line 23, strike “(G)” and substitute “(K)”; after line 23, insert:

“(II) THE CRITERIA ADOPTED BY THE DEPARTMENT SHALL INCLUDE, AS APPROPRIATE, CONSIDERATION OF:

1. THE COST-EFFECTIVENESS IN PROVIDING WATER QUALITY BENEFIT;
2. THE WATER QUALITY BENEFIT TO A BODY OF WATER IDENTIFIED BY THE DEPARTMENT AS IMPAIRED UNDER SECTION 303(D) OF THE CLEAN WATER ACT;
3. THE READINESS OF A WASTEWATER FACILITY TO

PROCEED TO CONSTRUCTION; AND

4. THE NITROGEN AND PHOSPHORUS LOADS
DISCHARGED BY A WASTEWATER FACILITY.

(7) A WASTEWATER FACILITY THAT HAS NOT BEEN OFFERED OR
HAS NOT RECEIVED FUNDS FROM THE DEPARTMENT UNDER THIS SECTION OR
FROM ANY OTHER FUND IN THE DEPARTMENT MAY NOT BE REQUIRED TO
UPGRADE TO ENHANCED NUTRIENT REMOVAL LEVELS, EXCEPT AS OTHERWISE
REQUIRED UNDER FEDERAL OR STATE LAW.”;

and in line 24, strike “(F)” and substitute “(J)”.

AMENDMENT NO. 6

On page 9, in line 27, after the comma insert “AGRICULTURE, PLANNING,”.

On page 9, in lines 33 and 35, and on page 10, in lines 4 and 6, in each instance, strike
“PERSONS” and substitute “INDIVIDUALS”.

On page 10, in line 1, strike “PERSON” and substitute “INDIVIDUAL”; in line 5, strike
“AND”; in line 7, strike “WITH” and substitute “WHO HAVE”; in the same line, strike “ON-SITE”
and substitute “ONSITE”; in line 8, after “GOVERNOR” insert “; AND”

(IX) ONE INDIVIDUAL REPRESENTING A UNIVERSITY OR
RESEARCH INSTITUTE WHO HAS EXPERTISE IN NUTRIENT POLLUTION”;

in lines 28, 31, and 36, in each instance, strike “WATERSHED” and substitute “BAY”; strike
beginning with “, INCLUDING” in line 28 down through “OWNERS” in line 29; and in line 34,
strike “ENVIRONMENTAL SURCHARGE” and substitute “RESTORATION FEE”.

On page 11, in line 2, strike “(G)” and substitute “(K)”; in line 3, strike “2 YEARS” and
substitute “YEAR”; in line 11, after the comma insert “DEPARTMENT OF AGRICULTURE,
DEPARTMENT OF PLANNING,”; in line 14, strike “(G) (1)” and substitute “(K)”; in the same

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line, strike “ANY”; in line 15, strike “SUBTITLE” and substitute “SECTION”; strike in their entirety lines 16 through 20, inclusive; and in line 26, strike “WATERSHED” and substitute “BAY”.

On page 12, in lines 7, 9, and 26, in each instance, strike “WATERSHED” and substitute “BAY”; and in line 9, after “FUND” insert a comma.

On page 13, in lines 2, 10, and 25, in each instance, strike “WATERSHED” and substitute “BAY”; in line 12, strike “BAY WATERSHED” and substitute “AND ATLANTIC COASTAL BAYS”; in line 31, strike “Chesapeake”; in the same line, strike “Watershed”; and in line 35, strike “four” and substitute “three”.

AMENDMENT NO. 7

On page 13, after line 35, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Bay Restoration Fund Advisory Committee shall study and, subject to § 2-1246 of the State Government Article, report on or before January 15, 2005, to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee regarding methods evaluated and recommended for the collection of the Bay restoration fee from users of onsite sewage disposal systems and users of sewage holding tanks, in accordance with § 9-1605.2 of the Environment Article, as enacted by Section 1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 31, 2006, the Bay Restoration Fund Advisory Committee, in conjunction with the Maryland Association of Counties and the Maryland Municipal League, shall, subject to § 2-1246 of the State Government Article, jointly report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee regarding the extent of administrative costs incurred by local governments in the collection of the Bay restoration fee and the reasonableness of the reimbursement authorized under § 9-1605.2(i)(2)(vi) of the Environment Article, as enacted under Section 1 of this Act.”;

in line 36, strike “3.” and substitute “5.”; and in line 37, strike “July” and substitute “October”.