By: **Delegates Rudolph, Donoghue, Glassman, and James** Introduced and read first time: January 23, 2006 Assigned to: Environmental Matters

A BILL ENTITLED

1.	AN	ACT	concerning
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2 Bay Restoration Program - On-Site Sewage Disposal Fee - County Option						
FOR the purpose of authorizing a county to opt out of collecting the Bay restoration fee from certain users; prohibiting a county from applying for certain funds if it chooses to opt out of collecting the fee; and generally relating to the Bay restoration fee.						
 7 BY repealing and reenacting, with amendments, 8 Article - Environment 9 Section 9-1605.2(b) 10 Annotated Code of Maryland 11 (1996 Replacement Volume and 2005 Supplement) 						
 BY repealing and reenacting, without amendments, Article - Environment Section 9-1605.2(h) Annotated Code of Maryland (1996 Replacement Volume and 2005 Supplement) 						
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OFMARYLAND, That the Laws of Maryland read as follows:						
19 Article - Environment						
20 9-1605.2.						
21 (b) (1) The Bay restoration fee is:						
 (i) Beginning January 1, 2005, for each residential dwelling that receives an individual sewer bill and each user of an onsite sewage disposal system or a holding tank that receives a water bill, \$2.50 per month; 						
25 (ii) Beginning October 1, 2005, for each user of an onsite sewage 26 disposal system that does not receive a water bill, \$30 per year;						

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1(iii)Beginning October 1, 2005, for each user of a sewage holding2tank that does not receive a water bill, \$30 per year; and	
3 (iv) Beginning January 1, 2005, for a building or group of buildings 4 under single ownership or management that receives a sewer bill and that contains 5 multiple residential dwellings that do not receive an individual sewer bill or for a 6 nonresidential user:	
 For each equivalent dwelling unit not exceeding 3,000 equivalent dwelling units, \$2.50 per month; 	
9 2. For each equivalent dwelling unit exceeding 3,000 10 equivalent dwelling units and not exceeding 5,000 equivalent dwelling units, \$1.25 11 per month; and	
123.13 equivalent dwelling units, zero.	
14 (2) (i) For a residential dwelling that receives an individual sewer bill, 15 a user of an onsite sewage disposal system or a holding tank that receives a water bill, 16 a building or group of buildings under single ownership or management that receives 17 a water and sewer bill and that contains multiple residential dwellings that do not 18 receive an individual sewer bill, and a nonresidential user, the restoration fee shall 19 be:	
 20 1. Stated in a separate line on the sewer or water bill, as 21 appropriate, that is labeled "Bay Restoration Fee"; and 	
 22 2. Collected for each calendar quarter, unless a local 23 government or billing authority for a water or wastewater facility established some 24 other billing period on or before January 1, 2004. 	
 (ii) 1. A. If the user does not receive a water bill, for users of an onsite sewage disposal system and for users of a sewage holding tank, the county in which the onsite sewage disposal system or holding tank is located shall be responsible for collecting the restoration fee. 	
B. A county may negotiate with a municipal corporation located within the county for the municipal corporation to collect the restoration fee from onsite sewage disposal systems and holding tanks located in the municipal corporation.	
 2. The governing body of each county, in consultation with the Bay Restoration Fund Advisory Committee, shall determine the method and frequency of collecting the restoration fee under subsubparagraph 1 of this subparagraph. 	
37(III)1.A COUNTY MAY OPT OUT OF COLLECTING THE38RESTORATION FEE FROM USERS OF AN ONSITE SEWAGE DISPOSAL SYSTEM OR A20SEWAGE HOLDWIG TANK	

39 SEWAGE HOLDING TANK.

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	2. A COUNTY THAT CHOOSES NOT TO COLLECT THE RESTORATION FEE MAY NOT RECEIVE FUNDS DISBURSED UNDER SUBSECTION (H)(2)(I) OF THIS SECTION.							
4 5	(3) The total fee imposed under paragraph (1) of this subsection may not exceed \$120,000 annually for a single site.							
8	local government or bil	(4) (i) For purposes of measuring average daily wastewater flow, the ernment or billing authority for a wastewater facility shall use existing of measurement, which may include water usage or other estimation						
10	(ii)	The aver	aging period is:				
11 12	billing authority; or		1.	The billing period established by the local government or				
13 14	government or billing			If a billing period is not established by the local er of a calendar year.				
16	 (h) (1) With regard to the funds collected under subsection (b)(1)(i), from users of an onsite sewage disposal system or holding tank that receive a water bill, (ii), and (iii) of this section, beginning in fiscal year 2006, the Comptroller shall: 							
18 19	(and	i)	Establish	a separate account within the Bay Restoration Fund;				
20 21	(subsection.	ii)	Disburse	the funds as provided under paragraph (2) of this				
22	2 (2) The Comptroller shall:							
23	(i)	Deposit (50% of the funds in the separate account to be used for:				
				With priority given to failing systems and holding tanks Coastal Bays Critical Area, grants or loans for				
27 28				The costs attributable to upgrading an onsite sewage hnology for the removal of nitrogen; or				
		system th		The cost difference between a conventional onsite sewage es the best available technology for the				
32 33	of the funds deposited			The reasonable costs of the Department, not to exceed 8% account, to:				
34 35				Implement an education, outreach, and upgrade program sal systems and holding tanks on the proper				

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1 maintenance of the systems and tanks and the availability of grants and loans under 2 item 1 of this subparagraph; 3 Β. Review and approve the design and construction of onsite 4 sewage disposal system or holding tank upgrades; C. 5 Issue grants or loans as provided under subsubparagraph 6 1 of this subparagraph; and 7 Provide technical support for owners of upgraded onsite D. 8 sewage disposal systems or holding tanks to operate and maintain the upgraded systems; and 9 10 (ii) Transfer 40% of the funds to the Maryland Agriculture Water 11 Quality Cost Share Program in the Department of Agriculture in order to fund cover 12 crop activities. 13 (3) The Comptroller, in consultation with the Administration, may 14 establish any other accounts and subaccounts within the Bay Restoration Fund as 15 necessary to: Effectuate the purposes of this subtitle; 16 (i) 17 Comply with the provisions of any bond resolution; (ii) 18 Meet the requirements of any federal or State law or of any (iii) grant or award to the Bay Restoration Fund; and 19 20 (iv) Meet any rules or program directives established by the 21 Secretary or the Board. 22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

23 October 1, 2006.