

ENROLLED BILL

-- *Environmental Matters/Education, Health, and Environmental Affairs* --

Introduced by **Delegates Glassman, Kohl, Mayer, and Sossi**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Bay Restoration Fund - Failing Onsite Sewage Disposal Systems - Eligibility**
3 **for Funds**

4 FOR the purpose of authorizing certain money in the Bay Restoration Fund to be
5 used to provide grants or loans for the cost of repairing or replacing a failing
6 onsite sewage disposal system, with priority given to certain users; altering the
7 priority for certain grants and loans from the Bay Restoration Fund under
8 certain provisions of law; making stylistic changes; and generally relating to
9 eligibility for funds from the Bay Restoration Fund.

10 BY repealing and reenacting, without amendments,
11 Article - Environment
12 Section 9-1605.2(a) and (b)(1)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2005 Supplement)

15 BY repealing and reenacting, with amendments,

1 Article - Environment
2 Section 9-1605.2(h)
3 Annotated Code of Maryland
4 (1996 Replacement Volume and 2005 Supplement)

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

7 **Article - Environment**

8 9-1605.2.

9 (a) (1) There is a Bay Restoration Fund.

10 (2) It is the intent of the General Assembly that the Bay Restoration
11 Fund be:

12 (i) Used, in part, to provide the funding necessary to upgrade any
13 of the wastewater treatment facilities that are located in the State or used by citizens
14 of the State in order to achieve enhanced nutrient removal where it is cost-effective to
15 do so; and

16 (ii) Available for treatment facilities discharging into the Atlantic
17 Coastal Bays or other waters of the State, but that priority be given to treatment
18 facilities discharging into the Chesapeake Bay.

19 (3) The Bay Restoration Fund shall be maintained and administered by
20 the Administration in accordance with the provisions of this section and any rules or
21 program directives as the Secretary or the Board may prescribe.

22 (4) There is established a Bay restoration fee to be paid by any user of a
23 wastewater facility, an onsite sewage disposal system, or a holding tank that:

24 (i) Is located in the State; or

25 (ii) Serves a Maryland user and is eligible for funding under this
26 subtitle.

27 (b) (1) The Bay restoration fee is:

28 (i) Beginning January 1, 2005, for each residential dwelling that
29 receives an individual sewer bill and each user of an onsite sewage disposal system or
30 a holding tank that receives a water bill, \$2.50 per month;

31 (ii) Beginning October 1, 2005, for each user of an onsite sewage
32 disposal system that does not receive a water bill, \$30 per year;

33 (iii) Beginning October 1, 2005, for each user of a sewage holding
34 tank that does not receive a water bill, \$30 per year; and

1 (iv) Beginning January 1, 2005, for a building or group of buildings
 2 under single ownership or management that receives a sewer bill and that contains
 3 multiple residential dwellings that do not receive an individual sewer bill or for a
 4 nonresidential user:

5 1. For each equivalent dwelling unit not exceeding 3,000
 6 equivalent dwelling units, \$2.50 per month;

7 2. For each equivalent dwelling unit exceeding 3,000
 8 equivalent dwelling units and not exceeding 5,000 equivalent dwelling units, \$1.25
 9 per month; and

10 3. For each equivalent dwelling unit exceeding 5,000
 11 equivalent dwelling units, zero.

12 (h) (1) With regard to the funds collected under subsection (b)(1)(i), from
 13 users of an onsite sewage disposal system or holding tank that receive a water bill,
 14 (ii), and (iii) of this section, beginning in fiscal year 2006, the Comptroller shall:

15 (i) Establish a separate account within the Bay Restoration Fund;
 16 and

17 (ii) Disburse the funds as provided under paragraph (2) of this
 18 subsection.

19 (2) The Comptroller shall:

20 (i) Deposit 60% of the funds in the separate account to be used for:

21 1. ~~With~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,
 22 WITH priority FIRST given to failing systems and holding tanks located in the
 23 Chesapeake and Atlantic Coastal Bays Critical Area AND THEN TO FAILING SYSTEMS
 24 THAT THE DEPARTMENT DETERMINES ARE A THREAT TO PUBLIC HEALTH OR WATER
 25 QUALITY, grants or loans for up to 100% of:

26 A. The costs attributable to upgrading an onsite sewage
 27 disposal system to the best available technology for the removal of nitrogen; [or]

28 B. The cost difference between a conventional onsite sewage
 29 disposal system and a system that utilizes the best available technology for the
 30 removal of nitrogen; [and] OR

31 C. THE COST OF REPAIRING OR REPLACING A FAILING
 32 ONSITE SEWAGE DISPOSAL SYSTEM, WITH PRIORITY GIVEN TO LOW INCOME USERS
 33 AS DEFINED BY THE DEPARTMENT WITH A SYSTEM THAT USES THE BEST AVAILABLE
 34 TECHNOLOGY FOR NITROGEN REMOVAL OR ANOTHER CONVENTIONAL
 35 WASTEWATER TREATMENT SYSTEM; AND

36 2. The reasonable costs of the Department, not to exceed 8%
 37 of the funds deposited into the separate account, to:

1 A. Implement an education, outreach, and upgrade program
 2 to advise owners of onsite sewage disposal systems and holding tanks on the proper
 3 maintenance of the systems and tanks and the availability of grants and loans under
 4 item 1 of this ~~subparagraph~~ ITEM;

5 B. Review and approve the design and construction of onsite
 6 sewage disposal system or holding tank upgrades;

7 C. Issue grants or loans as provided under ~~subsubparagraph~~
 8 ~~4 of this subparagraph~~ ITEM 1 OF THIS ITEM; and

9 D. Provide technical support for owners of upgraded onsite
 10 sewage disposal systems or holding tanks to operate and maintain the upgraded
 11 systems; and

12 (ii) Transfer 40% of the funds to the Maryland Agriculture Water
 13 Quality Cost Share Program in the Department of Agriculture in order to fund cover
 14 crop activities.

15 (3) FUNDING FOR THE COSTS IDENTIFIED IN PARAGRAPH (2)(I)1 OF THIS
 16 SUBSECTION SHALL BE PROVIDED IN THE FOLLOWING ORDER OF PRIORITY:

17 (I) FOR OWNERS OF ALL LEVELS OF INCOME, THE COSTS
 18 IDENTIFIED IN PARAGRAPH (2)(I)1A AND B OF THIS SUBSECTION; AND

19 (II) FOR LOW-INCOME OWNERS, AS DEFINED BY THE
 20 DEPARTMENT, THE COSTS IDENTIFIED IN PARAGRAPH (2)(I)1C OF THIS SUBSECTION:

21 1. FIRST, FOR BEST AVAILABLE TECHNOLOGIES FOR
 22 NITROGEN REMOVAL; AND

23 2. SECOND, FOR OTHER ~~CONVENTIONAL~~ WASTEWATER
 24 TREATMENT SYSTEMS.

25 ~~(3)~~ (4) The Comptroller, in consultation with the Administration, may
 26 establish any other accounts and subaccounts within the Bay Restoration Fund as
 27 necessary to:

28 (i) Effectuate the purposes of this subtitle;

29 (ii) Comply with the provisions of any bond resolution;

30 (iii) Meet the requirements of any federal or State law or of any
 31 grant or award to the Bay Restoration Fund; and

32 (iv) Meet any rules or program directives established by the
 33 Secretary or the Board.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 35 October 1, 2006.

