## **UNOFFICIAL COPY OF HOUSE BILL 558**

M3 HB 1	003/05 - ENV							
By: <b>Delegates Glassman, Kohl, Mayer, and Sossi</b> Introduced and read first time: February 1, 2006 Assigned to: Environmental Matters								
Hous	mittee Report: Favorable with amendments se action: Adopted second time: March 19, 2006							
	CHAPTER							
1 4	AN ACT concerning							
2 3	Bay Restoration Fund - Failing Onsite Sewage Disposal Systems - Eligibility for Funds							
4 I 5 6 7 8 9	FOR the purpose of authorizing certain money in the Bay Restoration Fund to be used to provide grants or loans for the cost of repairing or replacing a failing onsite sewage disposal system, with priority given to certain users; altering the priority for certain grants and loans from the Bay Restoration Fund under certain provisions of law; making stylistic changes; and generally relating to eligibility for funds from the Bay Restoration Fund.							
10 11 12 13 14	BY repealing and reenacting, without amendments, Article - Environment Section 9-1605.2(a) and (b)(1) Annotated Code of Maryland (1996 Replacement Volume and 2005 Supplement)							
15 16 17 18 19	BY repealing and reenacting, with amendments, Article - Environment Section 9-1605.2(h) Annotated Code of Maryland (1996 Replacement Volume and 2005 Supplement)							
20	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF							

21 MARYLAND, That the Laws of Maryland read as follows:

1	Article - Environment								
2	9-1605.2.								
3	(a)	(1)	There is	a Bay Restoration Fund.					
4 5	Fund be:	(2)	It is the	intent of the General Assembly that the Bay Restoration					
8	(i) Used, in part, to provide the funding necessary to upgrade any of the wastewater treatment facilities that are located 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								
	Coastal Bay			Available for treatment facilities discharging into the Atlantic of the State, but that priority be given to treatment Chesapeake Bay.					
			accordai	Restoration Fund shall be maintained and administered by nee with the provisions of this section and any rules or etary or the Board may prescribe.					
16 17	wastewater	(4) facility, a		established a Bay restoration fee to be paid by any user of a sewage disposal system, or a holding tank that:					
18			(i)	Is located in the State; or					
19 20	subtitle.		(ii)	Serves a Maryland user and is eligible for funding under this					
21	(b)	(1)	The Bay	restoration fee is:					
	2 (i) Beginning January 1, 2005, for each residential dwelling that 3 receives an individual sewer bill and each user of an onsite sewage disposal system or 4 a holding tank that receives a water bill, \$2.50 per month;								
25 26	disposal sys	tem that	(ii) does not i	Beginning October 1, 2005, for each user of an onsite sewage receive a water bill, \$30 per year;					
27 28	tank that do	es not rec	(iii) ceive a wa	Beginning October 1, 2005, for each user of a sewage holding ater bill, \$30 per year; and					
31		idential d		Beginning January 1, 2005, for a building or group of buildings nagement that receives a sewer bill and that contains that do not receive an individual sewer bill or for a					
33 34	equivalent d	lwelling i	ınits. \$2.5	1. For each equivalent dwelling unit not exceeding 3,000 50 per month:					

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	equivalent dwelling units per month; and	2. and not exc	For each equivalent dwelling unit exceeding 3,000 eeding 5,000 equivalent dwelling units, \$1.25					
4 5	equivalent dwelling units	3., zero.	For each equivalent dwelling unit exceeding 5,000					
	(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:							
9 10	(i) and	Estab	lish a separate account within the Bay Restoration Fund;					
11 12	subsection. (ii)	Disbu	rse the funds as provided under paragraph (2) of this					
13	(2) Th	e Comptroll	er shall:					
14	(i)	Depos	sit 60% of the funds in the separate account to be used for:					
17 18	1. With SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, WITH priority FIRST given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area AND THEN TO FAILING SYSTEMS THAT THE DEPARTMENT DETERMINES ARE A THREAT TO PUBLIC HEALTH OR WATER USUALITY, grants or loans for up to 100% of:							
20 21	disposal system to the be	A. est available	The costs attributable to upgrading an onsite sewage technology for the removal of nitrogen; [or]					
	disposal system and a syremoval of nitrogen; [and		The cost difference between a conventional onsite sewage lizes the best available technology for the					
27	AS DEFINED BY THE	<b>DEPARTM</b>	THE COST OF REPAIRING OR REPLACING A FAILING STEM, WITH PRIORITY GIVEN TO LOW INCOME USERS ENT WITH A SYSTEM THAT USES THE BEST AVAILABLE REMOVAL OR ANOTHER CONVENTIONAL SYSTEM; AND					
29 30	of the funds deposited in	2. to the separa	The reasonable costs of the Department, not to exceed 8% ate account, to:					
33		ms and tank	Implement an education, outreach, and upgrade program sposal systems and holding tanks on the proper s and the availability of grants and loans under					
35 36	sewage disposal system of	B. or holding ta	Review and approve the design and construction of onsite ank upgrades;					

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1 2	1 of this subparagraph I	ITEM 1		ssue grants or loans as provided under subsubparagraph ITEM; and		
	sewage disposal system systems; and	ns or hol		Provide technical support for owners of upgraded onsite to operate and maintain the upgraded		
	'	ii) gram in		40% of the funds to the Maryland Agriculture Water tment of Agriculture in order to fund cover		
9 10				HE COSTS IDENTIFIED IN PARAGRAPH (2)(I)1 OF THIS IN THE FOLLOWING ORDER OF PRIORITY:		
11 12		<u>I)</u> AGRAI		NERS OF ALL LEVELS OF INCOME, THE COSTS A AND B OF THIS SUBSECTION; AND		
13 14		II) COSTS		V-INCOME OWNERS, AS DEFINED BY THE FIED IN PARAGRAPH (2)(I)1C OF THIS SUBSECTION:		
15 16	NITROGEN REMOVA	AL; AN		FIRST, FOR BEST AVAILABLE TECHNOLOGIES FOR		
17			<u>2.</u> <u>S</u>	SECOND, FOR OTHER CONVENTIONAL SYSTEMS.		
	\ / _	(4) ounts ar		otroller, in consultation with the Administration, may bunts within the Bay Restoration Fund as		
21	(	i)	Effectuate	e the purposes of this subtitle;		
22	(	(ii)	Comply w	with the provisions of any bond resolution;		
23 24	grant or award to the B	iii) Bay Rest		requirements of any federal or State law or of any nd; and		
25 26	Secretary or the Board.	iv)	Meet any	rules or program directives established by the		
27 28	7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 8 October 1, 2006.					