
By: **Delegates Glassman, Kohl, Mayer, and Sossi**

Introduced and read first time: February 1, 2006

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2006

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,
16 Article - Environment
17 Section 9-1605.2(h)
18 Annotated Code of Maryland
19 (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 (2) It is the intent of the General Assembly that the Bay Restoration
5 Fund be:6 (i) Used, in part, to provide the funding necessary to upgrade any
7 of the wastewater treatment facilities that are located in the State or used by citizens
8 of the State in order to achieve enhanced nutrient removal where it is cost-effective to
9 do so; and10 (ii) Available for treatment facilities discharging into the Atlantic
11 Coastal Bays or other waters of the State, but that priority be given to treatment
12 facilities discharging into the Chesapeake Bay.13 (3) The Bay Restoration Fund shall be maintained and administered by
14 the Administration in accordance with the provisions of this section and any rules or
15 program directives as the Secretary or the Board may prescribe.16 (4) There is established a Bay restoration fee to be paid by any user of a
17 wastewater facility, an onsite sewage disposal system, or a holding tank that:

18 (i) Is located in the State; or

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

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

22 (i) Beginning January 1, 2005, for each residential dwelling that
23 receives an individual sewer bill and each user of an onsite sewage disposal system or
24 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;27 (iii) Beginning October 1, 2005, for each user of a sewage holding
28 tank that does not receive a water bill, \$30 per year; and29 (iv) Beginning January 1, 2005, for a building or group of buildings
30 under single ownership or management that receives a sewer bill and that contains
31 multiple residential dwellings that do not receive an individual sewer bill or for a
32 nonresidential user:33 1. For each equivalent dwelling unit not exceeding 3,000
34 equivalent dwelling units, \$2.50 per month;

1 C. Issue grants or loans as provided under ~~subsubparagraph~~
 2 ~~4 of this subparagraph~~ ITEM 1 OF THIS ITEM; and

3 D. Provide technical support for owners of upgraded onsite
 4 sewage disposal systems or holding tanks to operate and maintain the upgraded
 5 systems; and

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

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

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

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

15 1. FIRST, FOR BEST AVAILABLE TECHNOLOGIES FOR
 16 NITROGEN REMOVAL; AND

17 2. SECOND, FOR OTHER CONVENTIONAL SYSTEMS.

18 (3) (4) The Comptroller, in consultation with the Administration, may
 19 establish any other accounts and subaccounts within the Bay Restoration Fund as
 20 necessary to:

21 (i) Effectuate the purposes of this subtitle;

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

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

25 (iv) Meet any rules or program directives established by the
 26 Secretary or the Board.

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

