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By: **Delegates Walkup and Sossi**

Introduced and read first time: February 10, 2006

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2                           **Environment - Bay Restoration Fund - Onsite Sewage Disposal Systems**  
3                           **Exemption**

4 FOR the purpose of altering a certain definition to exempt users of onsite sewage  
5 disposal systems and sewage holding tanks that are consistently operated and  
6 maintained in accordance with State law and regulations from paying certain  
7 Bay restoration fees; and generally relating to the Bay Restoration Fund.

8 BY repealing and reenacting, with amendments,  
9 Article - Environment  
10 Section 9-1601(ff)  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 2005 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article - Environment  
15 Section 9-1605.2(a) and (b)  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 2005 Supplement)

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

20                           **Article - Environment**

21 9-1601.

22 (ff) (1) "User" means any person discharging wastewater to:

23 (i) A wastewater facility that has a State discharge permit or  
24 national pollutant discharge elimination system discharge permit;

25 (ii) An onsite sewage disposal system; or

26 (iii) A sewage holding tank.

1 (2) "User" does not include:

2 (I) A PERSON DISCHARGING WASTEWATER INTO AN ONSITE  
3 SEWAGE DISPOSAL SYSTEM OR SEWAGE HOLDING TANK THAT IS CONSISTENTLY  
4 OPERATED AND MAINTAINED BY THE PERSON IN ACCORDANCE WITH STATE LAW  
5 AND REGULATIONS; OR

6 (II) [a] A person whose sole discharge is stormwater under a  
7 stormwater permit.

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 (2) (i) For a residential dwelling that receives an individual sewer bill,  
13 a user of an onsite sewage disposal system or a holding tank that receives a water bill,  
14 a building or group of buildings under single ownership or management that receives  
15 a water and sewer bill and that contains multiple residential dwellings that do not  
16 receive an individual sewer bill, and a nonresidential user, the restoration fee shall  
17 be:

18 1. Stated in a separate line on the sewer or water bill, as  
19 appropriate, that is labeled "Bay Restoration Fee"; and

20 2. Collected for each calendar quarter, unless a local  
21 government or billing authority for a water or wastewater facility established some  
22 other billing period on or before January 1, 2004.

23 (ii) 1. A. If the user does not receive a water bill, for users of  
24 an onsite sewage disposal system and for users of a sewage holding tank, the county  
25 in which the onsite sewage disposal system or holding tank is located shall be  
26 responsible for collecting the restoration fee.

27 B. A county may negotiate with a municipal corporation  
28 located within the county for the municipal corporation to collect the restoration fee  
29 from onsite sewage disposal systems and holding tanks located in the municipal  
30 corporation.

31 2. The governing body of each county, in consultation with  
32 the Bay Restoration Fund Advisory Committee, shall determine the method and  
33 frequency of collecting the restoration fee under subparagraph 1 of this  
34 subparagraph.

35 (3) The total fee imposed under paragraph (1) of this subsection may not  
36 exceed \$120,000 annually for a single site.

37 (4) (i) For purposes of measuring average daily wastewater flow, the  
38 local government or billing authority for a wastewater facility shall use existing

1 methods of measurement, which may include water usage or other estimation  
2 methods.

3 (ii) The averaging period is:

4 1. The billing period established by the local government or  
5 billing authority; or

6 2. If a billing period is not established by the local  
7 government or billing authority, a quarter of a calendar year.

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