
By: **Delegates Kullen and Bohanan**

Introduced and read first time: February 23, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Water Pollution Control - Patuxent River Watershed**

3 FOR the purpose of establishing the total maximum daily load for nitrogen within the
4 Patuxent River Watershed as a certain number of pounds per day; altering the
5 calculation of concentrations and weights of phosphorus and nitrogen for certain
6 purposes; requiring the Department of the Environment to adopt regulations
7 that adjust the concentration and flow levels to ensure that the total daily load
8 for nitrogen is not exceeded; requiring the Department to issue a permit to a
9 sewage treatment plant with certain conditions; requiring a sewage treatment
10 plant in the Patuxent River Watershed to implement technology to meet certain
11 requirements by a certain date; prohibiting the Department from issuing
12 certain permits that exceed certain effluent limitations for total point sources;
13 requiring the Department to use the established cap for nitrogen in its permit
14 process for a sewage treatment plant in the Patuxent River Watershed; stating
15 the intent of the General Assembly; and generally relating to water pollution
16 control within the Patuxent River Watershed.

17 BY repealing and reenacting, without amendments,
18 Article - Environment
19 Section 4-301
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 2005 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Environment
24 Section 4-302 and 9-326
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 2005 Supplement)

27 BY repealing
28 Article - Environment
29 Section 4-302.1
30 Annotated Code of Maryland

1 (1996 Replacement Volume and 2005 Supplement)

2 BY adding to

3 Article - Environment

4 Section 4-302.1

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 2005 Supplement)

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

9 **Article - Environment**

10 4-301.

11 (a) In this subtitle, the following words have the meanings indicated.

12 (b) In this subtitle the word "Watershed" means the Patuxent River
13 Watershed and the Severn River Watershed.

14 (c) The "Patuxent River Watershed" is the land and water area from which all
15 water drains either directly or indirectly to the Patuxent River.

16 (d) The "Severn River Watershed" is the land and water area from which all
17 water drains either directly or indirectly to the Severn River.

18 4-302.

19 (A) The General Assembly declares that the Patuxent River and the Severn
20 River are a great natural asset and resource to the State and the counties through
21 which they run. As a result of poorly treated effluent discharged from sewage disposal
22 plants and erosion and silt deposited in the rivers from construction and development
23 on land in the Watershed, the Patuxent River and Severn River are being polluted
24 and despoiled to a degree that fish, marine life, and recreational use of the rivers are
25 being adversely affected and curtailed.

26 (B) THE GENERAL ASSEMBLY FINDS THAT IN ORDER TO RESTORE WATER
27 QUALITY IN THE PATUXENT RIVER, THE STANDARDS OF THE 1981 PATUXENT
28 CHARETTE AGREEMENT, A CONSENSUS TO SUBSTANTIALLY REDUCE THE FLOW OF
29 PHOSPHORUS AND NITROGEN FROM SEWAGE TREATMENT PLANTS TO THE
30 PATUXENT RIVER, MUST BE IMPLEMENTED AND ENFORCED WITHIN THE PATUXENT
31 RIVER WATERSHED.

32 [4-302.1.

33 (a) (1) Except as provided in paragraph (2) of this subsection, for purposes of
34 this section, concentrations and weights of phosphorus and nitrogen shall be
35 calculated on a monthly average basis.

1 (2) Nitrogen concentrations and weights shall be calculated only during
2 the period of April 1 through October 15 of each year and the nitrogen removal
3 requirements of this section are applicable only during this period.

4 (b) All sewage treatment plants discharging over 500,000 gallons of
5 wastewater daily into the Patuxent River or any of its tributaries shall:

6 (1) On or before January 1, 1989, remove phosphorus to a level of not
7 more than 1.0 milligram per liter of wastewater effluent; and

8 (2) On or before July 1, 1989, complete planning to anticipate the need
9 for the future addition of facilities to remove:

10 (i) Phosphorus to a level of not more than 0.3 milligram per liter of
11 wastewater effluent; and

12 (ii) Nitrogen to a level of not more than 3.0 milligrams per liter of
13 wastewater effluent.

14 (c) On or before October 1, 1991, the Parkway Sewage Treatment Plant and
15 the Western Branch Sewage Treatment Plant shall remove nitrogen to a level of not
16 more than 3.0 milligrams per liter of wastewater effluent discharged into the
17 Patuxent River or any of its tributaries.

18 (d) On or before October 1, 1991, the Patuxent Plant in Anne Arundel County
19 and the Maryland City Plant shall:

20 (1) For that portion of wastewater flows in excess of the 1981 average
21 daily flow, remove nitrogen to a level of not more than 3.0 milligrams per liter of
22 wastewater effluent discharged into the Patuxent River or any of its tributaries; or

23 (2) Remove nitrogen from the total flow of wastewater effluent
24 discharged into the Patuxent River or any of its tributaries, if the resulting level of
25 nitrogen reduction is equivalent to nitrogen reduction achieved under item (1) of this
26 subsection.]

27 4-302.1.

28 (A) FOR PURPOSES OF THIS SECTION, CONCENTRATIONS AND WEIGHTS OF
29 PHOSPHORUS AND NITROGEN SHALL BE CALCULATED ON A DAILY BASIS FOR A
30 CALENDAR YEAR.

31 (B) (1) FOR THE PATUXENT RIVER WATERSHED, THE TOTAL MAXIMUM
32 DAILY LOAD FOR NITROGEN IS 1,200 POUNDS PER DAY FROM ALL POINT SOURCES.

33 (2) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ADJUST THE
34 CONCENTRATION IN MILLIGRAMS PER LITER AND THE FLOW IN MILLION GALLONS
35 PER DAY TO ENSURE THAT THE TOTAL DAILY LOAD FOR THE PATUXENT RIVER
36 WATERSHED DOES NOT EXCEED THE TOTAL MAXIMUM DAILY LOAD SET FORTH IN
37 PARAGRAPH (1) OF THIS SUBSECTION.

1 (3) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE
2 DEPARTMENT SHALL ISSUE A PERMIT TO A SEWAGE TREATMENT PLANT THAT
3 INCLUDES EFFLUENT LIMITATIONS AS DETERMINED NECESSARY TO ENSURE THAT
4 THE TOTAL MAXIMUM DAILY LOAD FROM ALL POINT SOURCES IS NOT EXCEEDED.

5 (C) ON OR BEFORE JANUARY 1, 2011, A SEWAGE TREATMENT PLANT THAT
6 DISCHARGES WASTEWATER INTO THE PATUXENT RIVER OR ANY OF ITS TRIBUTARIES
7 SHALL IMPLEMENT THE TECHNOLOGY NECESSARY TO REMOVE:

8 (1) PHOSPHORUS TO A LEVEL OF NOT MORE THAN 0.3 MILLIGRAM PER
9 LITER OF WASTEWATER EFFLUENT; AND

10 (2) NITROGEN TO A LEVEL OF NOT MORE THAN THE LEVEL
11 ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

12 9-326.

13 (a) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
14 SUBSECTION, THE Department may make the issuance of a discharge permit
15 contingent on any conditions the Department considers necessary to prevent violation
16 of this subtitle.

17 (2) (I) FOR THE PATUXENT RIVER WATERSHED, AS DEFINED IN § 4-301
18 OF THIS ARTICLE, THE DEPARTMENT SHALL IMPOSE A CAP ON THE TOTAL POINT
19 SOURCE LOAD FOR NITROGEN THAT DOES NOT EXCEED 1,200 POUNDS PER DAY.

20 (II) THE DEPARTMENT MAY NOT ISSUE A PERMIT THAT ALLOWS A
21 PERMIT HOLDER WITHIN THE PATUXENT RIVER WATERSHED TO DISCHARGE IN
22 EXCESS OF THE EFFLUENT LIMITATIONS FOR TOTAL POINT SOURCES IMPOSED
23 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

24 [(2)] (3) In permits for the discharge of pollutants from publicly owned
25 treatment works, the Department:

26 (i) May impose as conditions appropriate measures to establish
27 and insure compliance by industrial users with any system of user charges required
28 by State or federal law or by any rule, regulation, or guideline adopted under State or
29 federal law; and

30 (ii) Shall impose as conditions requirements for the permit holder
31 to provide information about new introductions of pollutants or substantial changes
32 in the volume or character of pollutants being introduced into the treatment works.

33 (b) Issuance of a discharge permit is contingent on the grant by the permit
34 holder to the Department of a right of entry on the permit site at any reasonable time
35 to inspect and investigate for violation or potential violation of any condition of the
36 permit.

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

