
By: **Delegates Kullen and Bohanan**

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Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 6, 2006

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2006

CHAPTER _____

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; maximum~~
 5 ~~concentration level for nitrogen and phosphorus for certain discharges; altering~~
 6 the calculation of concentrations and weights of phosphorus and nitrogen for
 7 certain purposes; ~~requiring the Department of the Environment to adopt~~
 8 ~~regulations that adjust the concentration and flow levels to ensure that the total~~
 9 ~~daily load for nitrogen is not exceeded; requiring the Department to issue a~~
 10 ~~permit to a sewage treatment plant with certain conditions; requiring a sewage~~
 11 ~~wastewater treatment plant in the Patuxent River Watershed to implement~~
 12 ~~technology to meet certain requirements by a certain date; prohibiting the~~
 13 ~~Department from issuing certain permits that exceed certain effluent~~
 14 ~~limitations for total point sources; requiring the Department to use the~~
 15 ~~established cap for nitrogen in its permit process for a sewage treatment plant~~
 16 ~~in the Patuxent River Watershed; requiring the Department to adopt~~
 17 ~~regulations to lower a certain nitrogen concentration level as technology~~
 18 ~~improves beyond a certain nutrient removal technology; requiring the~~
 19 ~~Department to conduct a certain review and submit a certain report by a certain~~
 20 ~~date; requiring the Department to modify a certain permit under certain~~
 21 ~~circumstances; stating the intent of the General Assembly; and generally~~
 22 relating to water pollution control within the Patuxent River Watershed.

23 BY repealing and reenacting, without amendments,

24 Article - Environment

25 Section 4-301

26 Annotated Code of Maryland

1 (1996 Replacement Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Environment

4 Section 4-302 and ~~9-326~~

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 2005 Supplement)

7 BY repealing

8 Article - Environment

9 Section 4-302.1

10 Annotated Code of Maryland

11 (1996 Replacement Volume and 2005 Supplement)

12 BY adding to

13 Article - Environment

14 Section 4-302.1

15 Annotated Code of Maryland

16 (1996 Replacement Volume and 2005 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

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

19 **Article - Environment**

20 4-301.

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

22 (b) In this subtitle the word "Watershed" means the Patuxent River

23 Watershed and the Severn River Watershed.

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

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

28 4-302.

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

1 (B) THE GENERAL ASSEMBLY FINDS THAT IN ORDER TO RESTORE WATER
2 QUALITY IN THE PATUXENT RIVER, THE STANDARDS OF THE 1981 PATUXENT
3 CHARETTE AGREEMENT, A CONSENSUS TO SUBSTANTIALLY REDUCE THE FLOW OF
4 PHOSPHORUS AND NITROGEN FROM ~~SEWAGE~~ WASTEWATER TREATMENT PLANTS TO
5 THE PATUXENT RIVER, MUST BE IMPLEMENTED AND ENFORCED WITHIN THE
6 PATUXENT RIVER WATERSHED.

7 [4-302.1.

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

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

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

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

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

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

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

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

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

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

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

1 4-302.1.

2 (A) FOR PURPOSES OF THIS SECTION, CONCENTRATIONS AND WEIGHTS OF
3 PHOSPHORUS AND NITROGEN SHALL BE CALCULATED ON A DAILY BASIS FOR THE
4 CALENDAR YEAR.

5 (B) ON OR BEFORE JANUARY 1, 2011, A WASTEWATER TREATMENT PLANT
6 THAT DISCHARGES WASTEWATER INTO THE PATUXENT RIVER OR ANY OF ITS
7 TRIBUTARIES 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 3.0 MILLIGRAMS PER
11 LITER OF WASTEWATER EFFLUENT.

12 (C) AS TECHNOLOGY IMPROVES BEYOND ENHANCED NUTRIENT REMOVAL,
13 THE DEPARTMENT SHALL ADOPT REGULATIONS THAT LOWER THE NITROGEN
14 CONCENTRATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION TO A LEVEL THE
15 DEPARTMENT DETERMINES IS TECHNOLOGICALLY FEASIBLE.

16 (D) THE DEPARTMENT SHALL:

17 (1) REVIEW THE ANNUAL PROGRESS OF UPGRADES FOR WASTEWATER
18 TREATMENT PLANTS IN THE PATUXENT RIVER WATERSHED; AND

19 (2) ON OR BEFORE DECEMBER 1 OF EACH YEAR, SUBMIT A REPORT, IN
20 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
21 GENERAL ASSEMBLY, AND TO THE GOVERNOR.

22 (E) (1) THIS SUBSECTION APPLIES TO A WASTEWATER TREATMENT PLANT
23 WITHIN THE PATUXENT WATERSHED THAT EXPANDS BEYOND ITS CURRENT DESIGN
24 CAPACITY AND CREATES ADDED FLOW INTO THE PATUXENT RIVER OR ITS
25 TRIBUTARIES.

26 (2) IN KEEPING WITH THE INTENT OF THE 1981 PATUXENT CHARETTE
27 AGREEMENT, THE DEPARTMENT SHALL MODIFY A DISCHARGE PERMIT THAT HAS
28 BEEN ISSUED TO A WASTEWATER TREATMENT PLANT TO ENSURE THAT:

29 (I) EFFLUENT LIMITATIONS FOR NITROGEN FROM ALL POINT
30 SOURCES ARE NOT EXCEEDED; AND

31 (II) TOTAL NITROGEN LOADS INTO THE PATUXENT RIVER
32 CONTINUE TO BE REDUCED.

33 ~~(A) FOR PURPOSES OF THIS SECTION, CONCENTRATIONS AND WEIGHTS OF~~
34 ~~PHOSPHORUS AND NITROGEN SHALL BE CALCULATED ON A DAILY BASIS FOR A~~
35 ~~CALENDAR YEAR.~~

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

3 ~~(2) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ADJUST THE~~
4 ~~CONCENTRATION IN MILLIGRAMS PER LITER AND THE FLOW IN MILLION GALLONS~~
5 ~~PER DAY TO ENSURE THAT THE TOTAL DAILY LOAD FOR THE PATUXENT RIVER~~
6 ~~WATERSHED DOES NOT EXCEED THE TOTAL MAXIMUM DAILY LOAD SET FORTH IN~~
7 ~~PARAGRAPH (1) OF THIS SUBSECTION.~~

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

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

15 ~~(1) PHOSPHORUS TO A LEVEL OF NOT MORE THAN 0.3 MILLIGRAM PER~~
16 ~~LITER OF WASTEWATER EFFLUENT; AND~~

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

19 ~~9-326.~~

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

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

27 ~~(II) THE DEPARTMENT MAY NOT ISSUE A PERMIT THAT ALLOWS A~~
28 ~~PERMIT HOLDER WITHIN THE PATUXENT RIVER WATERSHED TO DISCHARGE IN~~
29 ~~EXCESS OF THE EFFLUENT LIMITATIONS FOR TOTAL POINT SOURCES IMPOSED~~
30 ~~UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

31 ~~[(2)] (3) In permits for the discharge of pollutants from publicly owned~~
32 ~~treatment works, the Department:~~

33 ~~(i) May impose as conditions appropriate measures to establish~~
34 ~~and insure compliance by industrial users with any system of user charges required~~
35 ~~by State or federal law or by any rule, regulation, or guideline adopted under State or~~
36 ~~federal law; and~~

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

4 (b) ~~Issuance of a discharge permit is contingent on the grant by the permit~~
5 ~~holder to the Department of a right of entry on the permit site at any reasonable time~~
6 ~~to inspect and investigate for violation or potential violation of any condition of the~~
7 ~~permit.~~

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