
By: **Senators Stoltzfus, Brinkley, Colburn, Greenip, Hafer, Haines, Harris,
Hooper, Jacobs, Kittleman, Mooney, Munson, and Pipkin**

Introduced and read first time: January 20, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Bay Restoration Fund - Exemption**

3 FOR the purpose of repealing the requirement that users of onsite sewage disposal
4 systems and holding tanks pay certain Bay restoration fees; repealing certain
5 provisions of law relating to the identification of users of onsite sewage disposal
6 systems and holding tanks; repealing certain provisions of law relating to the
7 collection and accounting of certain fees from users of onsite sewage disposal
8 systems or holding tanks; altering the uses of the Bay Restoration Fund;
9 repealing certain provisions of law relating to certain education, outreach, and
10 upgrade programs for owners of onsite sewage disposal systems and holding
11 tanks; and generally relating to the Bay Restoration Fund.

12 BY repealing and reenacting, with amendments,
13 Article - Environment
14 Section 9-1601 and 9-1605.2
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 9-1601.

21 (a) Unless the context clearly requires otherwise, in this subtitle the following
22 words have the meanings indicated.

23 (b) "Administration" means the Maryland Water Quality Financing
24 Administration.

25 (c) "Bay Restoration Fund" means the Bay Restoration Fund established
26 under § 9-1605.2 of this subtitle.

1 (d) "Biological nutrient removal" means a biological nutrient removal
2 technology capable of reducing the nitrogen in wastewater effluent to not more than 8
3 milligrams per liter, as calculated on an annually averaged basis.

4 (e) "Board" means the Board of Public Works.

5 (f) "Bond" means a bond, note, or other evidence of obligation of the
6 Administration issued under this subtitle, including a bond or revenue anticipation
7 note, notes in the nature of commercial paper, and refunding bonds.

8 (g) "Bond resolution" means the resolution or resolutions of the Director,
9 including the trust agreement, if any, authorizing the issuance of and providing for
10 the terms and conditions applicable to bonds.

11 (h) "Borrower" means a local government or a person as defined in § 1-101(h)
12 of this article who has received a loan.

13 (i) "Director" means the Director of the Administration.

14 (j) "Drinking Water Loan Fund" means the Maryland Drinking Water
15 Revolving Loan Fund.

16 (k) "Eligible costs" means the costs identified under § 9-1605.2(i) of this
17 subtitle.

18 (l) "Enhanced nutrient removal" means:

19 (1) An enhanced nutrient removal technology that is capable of reducing
20 the nitrogen and phosphorus concentrations in wastewater effluent to concentrations
21 of not more than 3 milligrams per liter total nitrogen and not more than 0.3
22 milligrams per liter total phosphorus, as calculated on an annually averaged basis; or

23 (2) If the Department has determined that the concentrations under
24 item (1) of this subsection are not practicable for a wastewater facility, the lowest
25 average annual wastewater effluent nitrogen and phosphorus concentrations that the
26 Department determines are practicable for that facility.

27 (m) "Equivalent dwelling unit" means a measure of wastewater effluent where
28 one unit is equivalent to:

29 (1) If a local government or billing authority for a wastewater facility has
30 established a definition for "equivalent dwelling unit" on or before January 1, 2004,
31 the average daily flow of wastewater effluent that the local government or billing
32 authority has established to be equivalent to the average daily flow of wastewater
33 effluent discharged by a residential dwelling, which may not exceed 250 gallons; or

34 (2) If a local government or billing authority has not established a
35 definition for "equivalent dwelling unit" on or before January 1, 2004, or if a local
36 government or billing authority has established a definition that exceeds 250 gallons

1 of wastewater effluent per day, an average daily flow of 250 gallons of wastewater
2 effluent.

3 (n) "Facility" means a wastewater facility or all or a portion of a water supply
4 system as defined in § 9-201(u) of this article.

5 (o) "Federal Safe Drinking Water Act" means Title XIV of the Public Health
6 Service Act, P.L. 93-523, as amended, 42 U.S.C. § 300f, et seq., and the rules and
7 regulations promulgated thereunder.

8 (p) "Federal Water Pollution Control Act" means the Water Pollution Control
9 Act of 1972, P.L. 92-500, as amended, 33 U.S.C. § 1251, et seq., and rules and
10 regulations promulgated thereunder.

11 (q) "Fund" means a fund established by this subtitle, including the Water
12 Quality Fund, the Drinking Water Loan Fund, and the Bay Restoration Fund.

13 (r) "Grant" means a grant from the Administration to a grantee.

14 (s) "Grant agreement" means a written agreement between the
15 Administration and a grantee with respect to a grant.

16 (t) "Grantee" means the grant recipient.

17 (u) "Lender" has the meaning stated in § 9-1606.1 of this subtitle.

18 (v) "Linked deposit" has the meaning stated in § 9-1606.1 of this subtitle.

19 (w) "Linked deposit loan" has the meaning stated in § 9-1606.1 of this subtitle.

20 (x) "Linked deposit program" has the meaning stated in § 9-1606.1 of this
21 subtitle.

22 (y) "Loan" means a loan from the Administration to a borrower for the purpose
23 of financing all or a portion of the cost of a wastewater facility, if the loan is from the
24 Water Quality Fund, or water supply system, if the loan is from the Drinking Water
25 Loan Fund.

26 (z) "Loan agreement" means a written agreement between the Administration
27 and a borrower with respect to a loan.

28 (aa) "Loan obligation" means a bond, note, or other evidence of obligation,
29 including a mortgage, deed of trust, lien, or other security instrument, issued or
30 executed by a borrower to evidence its indebtedness under a loan agreement with
31 respect to a loan.

32 (bb) (1) "Local government" means a county, municipal corporation, sanitary
33 district, or other State or local public entity which has authority to own or operate a
34 facility.

1 (2) "Local government" includes any combination of two or more of the
2 public entities under paragraph (1) of this subsection when acting jointly to construct
3 or operate a facility.

4 (cc) (1) "Person" means an individual, corporation, partnership, association,
5 the State, any unit of the State, commission, special taxing district, or the federal
6 government.

7 (2) "Person" does not include a county, municipal corporation, bi-county
8 or multicounty agency under Article 28 or 29 of the Code, housing authority under
9 Article 44A of the Code, school board, community college, or any other unit of a county
10 or municipal corporation.

11 (dd) (1) "Residential dwelling" means a room or group of rooms occupied as
12 living quarters by an individual, a single family, or other discrete group of persons
13 with facilities that are used or intended to be used for living, sleeping, cooking,
14 sanitation, and eating, including an apartment unit, condominium unit, cooperative
15 unit, town house unit, mobile home, or house.

16 (2) "Residential dwelling" does not include a hospital, hotel, motel, inn,
17 boarding house, club, dormitory, school, college, or similar seasonal, institutional, or
18 transient facility.

19 (ee) "Single site" means a discrete grouping of buildings or structures that are
20 located on contiguous or adjacent property and owned by the same user.

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

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

24 (ii) An onsite sewage disposal system; or

25 (iii) A sewage holding tank].

26 (2) "User" does not include a person whose sole discharge is stormwater
27 under a stormwater permit.

28 (gg) "Wastewater facility" means any equipment, plant, treatment works,
29 structure, machinery, apparatus, interest in land, or any combination of these, which
30 is acquired, used, constructed, or operated for the storage, collection, treatment,
31 neutralization, stabilization, reduction, recycling, reclamation, separation, or disposal
32 of wastewater, or for the final disposal of residues resulting from the treatment of
33 wastewater, including: treatment or disposal plants; outfall sewers, interceptor
34 sewers, and collector sewers; pumping and ventilating stations, facilities, and works;
35 programs and projects for controlling nonpoint sources of water pollution and for
36 estuarine conservation and management; and other real or personal property and
37 appurtenances incident to their development, use, or operation.

1 (hh) "Water Quality Fund" means the Maryland Water Quality Revolving Loan
2 Fund.

3 (ii) "Water supply system" has the meaning stated in § 9-201(u) of this title.
4 9-1605.2.

5 (a) (1) There is a Bay Restoration Fund.

6 (2) It is the intent of the General Assembly that the Bay Restoration
7 Fund be:

8 (i) Used, in part, to provide the funding necessary to upgrade any
9 of the wastewater treatment facilities that are located in the State or used by citizens
10 of the State in order to achieve enhanced nutrient removal where it is cost-effective to
11 do so; and

12 (ii) Available for treatment facilities discharging into the Atlantic
13 Coastal Bays or other waters of the State, but that priority be given to treatment
14 facilities discharging into the Chesapeake Bay.

15 (3) The Bay Restoration Fund shall be maintained and administered by
16 the Administration in accordance with the provisions of this section and any rules or
17 program directives as the Secretary or the Board may prescribe.

18 (4) There is established a Bay restoration fee to be paid by any user of a
19 wastewater facility[, an onsite sewage disposal system, or a holding tank] that:

20 (i) Is located in the State; or

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

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

24 (i) Beginning January 1, 2005, for each residential dwelling that
25 receives an individual sewer bill [and each user of an onsite sewage disposal system
26 or a holding tank that receives a water bill], \$2.50 per month; AND

27 (ii) [Beginning October 1, 2005, for each user of an onsite sewage
28 disposal system that does not receive a water bill, \$30 per year;

29 (iii) Beginning October 1, 2005, for each user of a sewage holding
30 tank that does not receive a water bill, \$30 per year; and

31 (iv)] Beginning January 1, 2005, for a building or group of buildings
32 under single ownership or management that receives a sewer bill and that contains
33 multiple residential dwellings that do not receive an individual sewer bill or for a
34 nonresidential user:

1 1. For each equivalent dwelling unit not exceeding 3,000
2 equivalent dwelling units, \$2.50 per month;

3 2. For each equivalent dwelling unit exceeding 3,000
4 equivalent dwelling units and not exceeding 5,000 equivalent dwelling units, \$1.25
5 per month; and

6 3. For each equivalent dwelling unit exceeding 5,000
7 equivalent dwelling units, zero.

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

14 [1.] (I) Stated in a separate line on the sewer or water bill,
15 as appropriate, that is labeled "Bay Restoration Fee"; and

16 [2.] (II) Collected for each calendar quarter, unless a local
17 government or billing authority for a water or wastewater facility established some
18 other billing period on or before January 1, 2004.

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

23 B. A county may negotiate with a municipal corporation
24 located within the county for the municipal corporation to collect the restoration fee
25 from onsite sewage disposal systems and holding tanks located in the municipal
26 corporation.

27 2. The governing body of each county, in consultation with
28 the Bay Restoration Fund Advisory Committee, shall determine the method and
29 frequency of collecting the restoration fee under subparagraph 1 of this
30 subparagraph.]

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

33 (4) (i) For purposes of measuring average daily wastewater flow, the
34 local government or billing authority for a wastewater facility shall use existing
35 methods of measurement, which may include water usage or other estimation
36 methods.

37 (ii) The averaging period is:

- 1 1. The billing period established by the local government or
2 billing authority; or
- 3 2. If a billing period is not established by the local
4 government or billing authority, a quarter of a calendar year.

5 (c) A user of a wastewater facility is exempt from paying the restoration fee if:

6 (1) (i) 1. The user's wastewater facility's average annual effluent
7 nitrogen and phosphorus concentrations, as reported in the facility's State discharge
8 monitoring reports for the previous calendar year, demonstrate that the facility is
9 achieving enhanced nutrient removal, as defined under § 9-1601(1) of this subtitle; or

10 2. The Department has determined that the wastewater
11 facility does not discharge nitrogen or phosphorus and is not required to monitor for
12 nitrogen or phosphorus in its discharge permit; and

13 (ii) The user's wastewater facility has not received a State or
14 federal grant for that facility;

15 (2) (i) The user's wastewater facility discharges to groundwater and
16 the annual average nutrient concentrations in the wastewater prior to discharge to
17 groundwater have not exceeded 3 milligrams per liter total nitrogen and 0.3
18 milligrams per liter total phosphorus, as demonstrated by analysis of the
19 groundwater from monitoring wells located on the property and as reported in
20 discharge monitoring reports for the previous calendar year; and

21 (ii) The user's wastewater facility has not received a federal or
22 State grant for that facility; or

23 (3) The Department determines that:

24 (i) The user's wastewater facility discharges noncontact cooling
25 water, water from dewatering operations, or reclaimed wastewater from a facility
26 whose users pay in to the Fund; and

27 (ii) The discharge does not result in a net increase in loading of
28 nutrients compared to the intake water.

29 (d) (1) Subject to the approval of the Administration, a local government or a
30 billing authority for a water or wastewater facility may establish a program to exempt
31 from the requirements of this section a residential dwelling able to demonstrate
32 substantial financial hardship as a result of the restoration fee.

33 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the
34 Bay restoration fee shall be collected by the local government or the billing authority
35 for the water or wastewater facility, as appropriate, on behalf of the State.

36 (ii) For a wastewater facility without a billing authority, the
37 Comptroller may collect the restoration fee from the facility owner.

1 (3) A local government, billing authority for a water or wastewater
2 facility, or any other authorized collecting agency:

3 (i) May use all of its existing procedures and authority for
4 collecting a water or sewer bill[, an onsite sewage disposal system bill, or a holding
5 tank bill] in order to enforce the collection of the Bay restoration fee; and

6 (ii) Shall establish a segregated account for the deposit of funds
7 collected under this section.

8 (e) (1) A local government, the billing authority for a water or wastewater
9 facility, or any other authorized collecting agency shall complete and submit, under
10 oath, a return and remit the restoration fees collected to the Comptroller:

11 (i) On or before the 20th day of the month that follows the calendar
12 quarter in which the restoration fee was collected; and

13 (ii) For other periods and on other dates that the Comptroller may
14 specify by regulation, including periods in which no restoration fee has been collected.

15 (2) Except to the extent of any inconsistency with this subsection, the
16 provisions of Title 13 of the Tax - General Article that are applicable to the sales and
17 use tax shall govern the administration, collection, and enforcement of the restoration
18 fee under this section.

19 (3) The Comptroller may adopt regulations necessary to administer,
20 collect, and enforce the restoration fee.

21 (4) (i) From the restoration fee revenue, the Comptroller shall
22 distribute to an administrative cost account the amount that is necessary to
23 administer the fee, which may not exceed 0.5% of the fees collected by the
24 Comptroller.

25 (ii) After making the distribution required under subparagraph (i)
26 of this paragraph, the Comptroller shall deposit the restoration fee in the Bay
27 Restoration Fund.

28 (5) The State Central Collection Unit may collect delinquent accounts
29 under this section in accordance with § 3-302 of the State Finance and Procurement
30 Article.

31 (f) (1) (i) The Bay Restoration Fund is a special, continuing, nonlapsing
32 fund that is not subject to § 7-302 of the State Finance and Procurement Article and
33 shall be available in perpetuity for the purpose of providing financial assistance in
34 accordance with the provisions of this section.

35 (ii) Money in the Fund may not revert or be transferred to the
36 General Fund of the State.

1 (2) The Bay Restoration Fund shall be available for the purpose of
2 providing financial assistance in accordance with the provisions of this section for:

3 (i) Eligible costs of projects relating to planning, design,
4 construction, and upgrades of wastewater facilities to achieve enhanced nutrient
5 removal as required by the conditions of a grant agreement and a discharge permit;
6 and

7 (ii) All projects identified in subsections (h) and (i) of this section.

8 (3) Subject to the provisions of any applicable bond resolution regarding
9 the holding or application of amounts in the Bay Restoration Fund, the Treasurer
10 shall separately hold, and the Comptroller shall account for, the Bay Restoration
11 Fund.

12 (4) Subject to the provisions of any applicable bond resolution governing
13 the investment of amounts in the Bay Restoration Fund, the Bay Restoration Fund
14 shall be invested and reinvested in the same manner as other State funds.

15 (5) Any investment earnings shall be retained to the credit of the Bay
16 Restoration Fund.

17 (6) The Bay Restoration Fund shall be subject to audit by the Office of
18 Legislative Audits as provided under § 2-1220 of the State Government Article.

19 (7) The Administration shall operate the Bay Restoration Fund in
20 accordance with §§ 9-1616 through 9-1621 of this subtitle.

21 (g) There shall be deposited in the Bay Restoration Fund:

22 (1) Funds received from the restoration fee;

23 (2) Net proceeds of bonds issued by the Administration;

24 (3) Interest or other income earned on the investment of money in the
25 Bay Restoration Fund; and

26 (4) Any additional money made available from any sources, public or
27 private, for the purposes for which the Bay Restoration Fund has been established.

28 (h) [(1) With regard to the funds collected under subsection (b)(1)(i), from
29 users of an onsite sewage disposal system or holding tank that receive a water bill,
30 (ii), and (iii) of this section, beginning in fiscal year 2006, the Comptroller shall:

31 (i) Establish a separate account within the Bay Restoration Fund;
32 and

33 (ii) Disburse the funds as provided under paragraph (2) of this
34 subsection.

35 (2) The Comptroller shall:

- 1 (i) Deposit 60% of the funds in the separate account to be used for:
- 2 1. With priority given to failing systems and holding tanks
- 3 located in the Chesapeake and Atlantic Coastal Bays Critical Area, grants or loans for
- 4 up to 100% of:
- 5 A. The costs attributable to upgrading an onsite sewage
- 6 disposal system to the best available technology for the removal of nitrogen; or
- 7 B. The cost difference between a conventional onsite sewage
- 8 disposal system and a system that utilizes the best available technology for the
- 9 removal of nitrogen; and
- 10 2. The reasonable costs of the Department, not to exceed 8%
- 11 of the funds deposited into the separate account, to:
- 12 A. Implement an education, outreach, and upgrade program
- 13 to advise owners of onsite sewage disposal systems and holding tanks on the proper
- 14 maintenance of the systems and tanks and the availability of grants and loans under
- 15 item 1 of this subparagraph;
- 16 B. Review and approve the design and construction of onsite
- 17 sewage disposal system or holding tank upgrades;
- 18 C. Issue grants or loans as provided under subparagraph
- 19 1 of this subparagraph; and
- 20 D. Provide technical support for owners of upgraded onsite
- 21 sewage disposal systems or holding tanks to operate and maintain the upgraded
- 22 systems; and
- 23 (ii) Transfer 40% of the funds to the Maryland Agriculture Water
- 24 Quality Cost Share Program in the Department of Agriculture in order to fund cover
- 25 crop activities.
- 26 (3)] The Comptroller, in consultation with the Administration, may
- 27 establish any [other] accounts and subaccounts within the Bay Restoration Fund as
- 28 necessary to:
- 29 [(i)] (1) Effectuate the purposes of this subtitle;
- 30 [(ii)] (2) Comply with the provisions of any bond resolution;
- 31 [(iii)] (3) Meet the requirements of any federal or State law or of
- 32 any grant or award to the Bay Restoration Fund; and
- 33 [(iv)] (4) Meet any rules or program directives established by the
- 34 Secretary or the Board.

1 (i) (1) In this subsection, "eligible costs" means the additional costs that
2 would be attributable to upgrading a wastewater facility from biological nutrient
3 removal to enhanced nutrient removal, as determined by the Department.

4 (2) Funds in the Bay Restoration Fund shall be used only:

5 (i) To award grants for up to 100% of eligible costs of projects
6 relating to planning, design, construction, and upgrade of a wastewater facility for
7 flows up to the design capacity of the wastewater facility, as approved by the
8 Department, to achieve enhanced nutrient removal in accordance with paragraph (3)
9 of this subsection;

10 (ii) 1. In fiscal years 2005 through 2009, inclusive, for a portion
11 of the costs of projects relating to combined sewer overflows abatement, rehabilitation
12 of existing sewers, and upgrading conveyance systems, including pumping stations,
13 not to exceed an annual total of \$5,000,000; and

14 2. In fiscal years 2010 and thereafter, for a portion of the
15 operation and maintenance costs related to the enhanced nutrient removal
16 technology, which may not exceed 10% of the total restoration fee collected from users
17 of wastewater facilities under this section by the Comptroller annually;

18 (iii) As a source of revenue or security for the payment of principal
19 and interest on bonds issued by the Administration if the proceeds of the sale of the
20 bonds will be deposited in the Bay Restoration Fund;

21 (iv) To earn interest on Bay Restoration Fund accounts;

22 (v) For the reasonable costs of administering the Bay Restoration
23 Fund, which may not exceed 1.5% of the total restoration fees imposed on users of
24 wastewater facilities that are collected by the Comptroller annually;

25 (vi) For the reasonable administrative costs incurred by a local
26 government or a billing authority for a water or wastewater facility collecting the
27 restoration fees, in an amount not to exceed 5% of the total restoration fees collected
28 by that local government or billing authority;

29 (vii) For future upgrades of wastewater facilities to achieve
30 additional nutrient removal or water quality improvement, in accordance with
31 paragraphs (6) and (7) of this subsection; AND

32 (viii) For costs associated with the issuance of bonds[; and

33 (ix) Subject to the conditions under subsection (h) of this section,
34 projects related to the removal of nitrogen from onsite sewage disposal systems and
35 cover crop activities].

36 (3) The grant agreement and State discharge permit, if applicable, shall
37 require an owner of a wastewater facility to operate the enhanced nutrient removal

1 facility in a manner that optimizes the nutrient removal capability of the facility in
2 order to achieve enhanced nutrient removal performance levels.

3 (4) (i) All wastewater facilities serving Maryland users that have
4 contributed to the Bay Restoration Fund are eligible for grants under this section,
5 including the Blue Plains Wastewater Treatment Plant in the District of Columbia.

6 (ii) Grants issued under paragraph (2)(i) of this subsection for
7 upgrades to the Blue Plains Wastewater Treatment Plant may be awarded only if
8 each party to the Blue Plains Intermunicipal Agreement of 1985 contributes a
9 proportional share of the upgrade costs in accordance with the Blue Plains
10 Intermunicipal Agreement of 1985, as revised and updated.

11 (5) Priority for funding an upgrade of a wastewater facility shall be given
12 to enhanced nutrient removal upgrades at wastewater facilities with a design
13 capacity of 500,000 gallons or more per day.

14 (6) (i) The eligibility and priority ranking of a project shall be
15 determined by the Department based on criteria established in regulations adopted
16 by the Department, in accordance with subsection (k) of this section.

17 (ii) The criteria adopted by the Department shall include, as
18 appropriate, consideration of:

- 19 1. The cost-effectiveness in providing water quality benefit;
- 20 2. The water quality benefit to a body of water identified by
21 the Department as impaired under Section 303(d) of the Clean Water Act;
- 22 3. The readiness of a wastewater facility to proceed to
23 construction; and
- 24 4. The nitrogen and phosphorus loads discharged by a
25 wastewater facility.

26 (7) A wastewater facility that has not been offered or has not received
27 funds from the Department under this section or from any other fund in the
28 Department may not be required to upgrade to enhanced nutrient removal levels,
29 except as otherwise required under federal or State law.

30 (j) (1) There is a Bay Restoration Fund Advisory Committee.

31 (2) The Committee consists of the following members:

32 (i) The Secretaries of the Environment, Agriculture, Planning,
33 Natural Resources, and Budget and Management, or their designees;

34 (ii) One member of the Senate, appointed by the President of the
35 Senate;

- 1 (iii) One member of the House of Delegates, appointed by the
2 Speaker of the House of Delegates;
- 3 (iv) Two individuals representing publicly owned wastewater
4 facilities, appointed by the Governor;
- 5 (v) Two individuals representing environmental organizations,
6 appointed by the Governor;
- 7 (vi) One individual each from the Maryland Association of Counties
8 and the Maryland Municipal League, appointed by the Governor;
- 9 (vii) Two individuals representing the business community,
10 appointed by the Governor;
- 11 (viii) Two individuals representing local health departments who
12 have expertise in onsite sewage disposal systems, appointed by the Governor; and
- 13 (ix) One individual representing a university or research institute
14 who has expertise in nutrient pollution, appointed by the Governor.
- 15 (3) The Governor shall appoint the chairman of the Committee from the
16 designated members of the Committee.
- 17 (4) The Committee may consult with any stakeholder group as it deems
18 necessary.
- 19 (5) (i) The term of a member is 4 years.
- 20 (ii) A member continues to serve until a successor is appointed.
- 21 (iii) The terms of the members appointed by the Governor are
22 staggered as required by the terms provided for members of the Committee on
23 October 1, 2004.
- 24 (iv) At the end of a term, a member continues to serve until a
25 successor is appointed and qualifies.
- 26 (v) A member who is appointed after a term has begun serves only
27 for the rest of the term and until a successor is appointed and qualifies.
- 28 (6) The Committee shall:
- 29 (i) Perform an analysis of the cost of nutrient removal from
30 wastewater facilities;
- 31 (ii) Identify additional sources for funding the Bay Restoration
32 Fund;
- 33 (iii) Make recommendations to improve the effectiveness of the Bay
34 Restoration Fund in reducing nutrient loadings to the waters of the State;

1 (iv) Make recommendations regarding the appropriate restoration
2 fee to be assessed in fiscal year 2008 and subsequent years as necessary to meet the
3 financing needs of the Bay Restoration Fund;

4 [(v) In consultation with the governing body of each county:

5 1. Identify users of onsite sewage disposal systems and
6 holding tanks; and

7 2. Make recommendations to the governing body of each
8 county on the best method of collecting the Bay restoration fee from the users of
9 onsite sewage disposal systems and holding tanks that do not receive water bills;

10 (vi) Advise the Department on the components of an education,
11 outreach, and upgrade program established within the Department under subsection
12 (h)(2)(i)2 of this section;]

13 [(vii) (V) Study the availability of money from the Fund for the
14 supplemental assistance program within the Department to provide grants to
15 smaller, economically disadvantaged communities in the State to upgrade their
16 wastewater collection and treatment facilities;

17 [(viii) (VI) Advise the Secretary concerning the adoption of
18 regulations as described in subsection (k) of this section; and

19 [(ix) (VII) Beginning January 1, 2006, and every year thereafter,
20 report to the Governor and, subject to § 2-1246 of the State Government Article, the
21 General Assembly on its findings and recommendations.

22 (7) Members of the Committee:

23 (i) May not receive compensation; but

24 (ii) Are entitled to reimbursement for expenses under the Standard
25 State Travel Regulations, as provided in the State budget.

26 (8) The Department of the Environment, Department of Agriculture,
27 Department of Planning, Department of Natural Resources, and Department of
28 Budget and Management shall provide staff support for the Committee.

29 (k) The Department shall adopt regulations that are necessary or appropriate
30 to carry out the provisions of this section.

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