
By: **Senators Dyson, Middleton, and Miller**

Introduced and read first time: January 30, 2006

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Bay Restoration Fund - Patuxent River Watershed**

3 FOR the purpose of requiring certain upgrades to certain sewage treatment plants in
4 the Patuxent River watershed on or before a certain date; making the upgrade of
5 certain sewage treatment plants in the Patuxent River watershed a priority for
6 funding on or before a certain date; requiring the Bay Restoration Fund to be
7 used to pay for the upgrades to certain sewage treatment plants in the Patuxent
8 River watershed; repealing certain obsolete provisions of law; and generally
9 relating to the Patuxent River watershed and the Bay Restoration Fund.

10 BY repealing

11 Article - Environment

12 Section 4-302.1

13 Annotated Code of Maryland

14 (1996 Replacement Volume and 2005 Supplement)

15 BY adding to

16 Article - Environment

17 Section 4-302.1

18 Annotated Code of Maryland

19 (1996 Replacement Volume and 2005 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Environment

22 Section 9-1605.2(i)(5)

23 Annotated Code of Maryland

24 (1996 Replacement Volume and 2005 Supplement)

25 **Preamble**

26 WHEREAS, In December 1981 a consensus, called the Patuxent Charette

27 Agreement, was reached for reversing declining water quality in the Patuxent River;

28 and

1 WHEREAS, This consensus was reached between the State and the 7 Patuxent
2 River Counties to substantially reduce the flow of phosphorus and nitrogen from
3 sewage treatment plants to the Patuxent River; and

4 WHEREAS, The nutrient control policy under the Patuxent Charette
5 Agreement provided that all facilities discharging over 500,000 gallons a day of
6 wastewater must remove phosphorus to 1.0 mg/l of wastewater and plan for a possible
7 0.3 mg/l phosphorus limit; and

8 WHEREAS, The nutrient control policy under the Patuxent Charette
9 Agreement provided that all facilities plan for nitrogen removal to a limit of no more
10 than 3.0 mg/l; and

11 WHEREAS, After 25 years, several of the sewage treatment plants covered by
12 the policy are not meeting the standards envisioned by the Patuxent Charette
13 Agreement; and

14 WHEREAS, The living resources of the Patuxent River have yet to be restored
15 due in part to the failure to meet the standards of the Patuxent Charette Agreement;
16 and

17 WHEREAS, There is new technology, called "enhanced nutrient removal," that
18 can reduce phosphorus and nitrogen from sewage treatment plants to levels of 0.3
19 mg/l of phosphorus and 3.0 mg/l of nitrogen; and

20 WHEREAS, In 2004, the Bay Restoration Fund was created for the purpose of
21 paying the costs of upgrading sewage treatment plants in the State to achieve
22 "enhanced nutrient removal"; and

23 WHEREAS, The technology and funding now exist to make the restoration of
24 the Patuxent River a priority; now, therefore,

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

27 **Article - Environment**

28 [4-302.1.

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

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

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

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

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

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

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

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

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

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

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

22 4-302.1.

23 (A) ON OR BEFORE JANUARY 1, 2011, A SEWAGE TREATMENT PLANT THAT
24 DISCHARGES OVER 150,000 GALLONS OF WASTEWATER DAILY INTO THE PATUXENT
25 RIVER OR ANY OF ITS TRIBUTARIES SHALL:

26 (1) UPGRADE TO ENHANCED NUTRIENT REMOVAL, AS DEFINED UNDER
27 § 9-1601 OF THIS ARTICLE; AND

28 (2) BE GIVEN PRIORITY FOR FUNDING FOR UPGRADING TO ENHANCED
29 NUTRIENT REMOVAL, IN ACCORDANCE WITH § 9-1605.2(I) OF THIS ARTICLE.

30 (B) THE BAY RESTORATION FUND, ESTABLISHED UNDER § 9-1605.2 OF THIS
31 ARTICLE, SHALL BE USED TO PAY FOR THE UPGRADES TO SEWAGE TREATMENT
32 PLANTS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

33 9-1605.2.

34 (i) (5) [Priority] EXCEPT AS PROVIDED UNDER § 4-302.1(A)(2) OF THIS
35 ARTICLE, PRIORITY for funding an upgrade of a wastewater facility shall be given to

1 enhanced nutrient removal upgrades at wastewater facilities with a design capacity
2 of 500,000 gallons or more per day.

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