By: **Senators Dyson, Middleton, ~~and Miller~~ Miller, Hollinger, and Brochin**
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Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

Committee Report: Favorable with amendments
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Committee Report: Favorable with amendments
%Adopted with floor amendments
Read second time: April 3, 2006

CHAPTER_____

AN ACT concerning

Environment - ~~Bay Restoration Fund -~~ Patuxent River Watershed

FOR the purpose of requiring certain upgrades to certain sewage treatment plants in the Patuxent River watershed on or before ~~a certain date~~ certain dates under certain circumstances; ~~making the upgrade of certain sewage treatment plants in the Patuxent River watershed a priority for funding on or before a certain date; requiring the Bay Restoration Fund to be used to pay for the upgrades to certain sewage treatment plants in the Patuxent River watershed;~~ repealing certain obsolete provisions of law; and generally relating to the Patuxent River watershed ~~and the Bay Restoration Fund~~.

BY repealing
Article - Environment
Section 4-302.1
Annotated Code of Maryland
(1996 Replacement Volume and 2005 Supplement)

BY adding to
Article - Environment
Section 4-302.1
Annotated Code of Maryland
(1996 Replacement Volume and 2005 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article - Environment~~
~~Section 9-1605.2(i)(5)~~
~~Annotated Code of Maryland~~
~~(1996 Replacement Volume and 2005 Supplement)~~

Preamble

WHEREAS, In December 1981 a consensus, called the Patuxent Charette Agreement, was reached for reversing declining water quality in the Patuxent River; and

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

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

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

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

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

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

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

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

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

Article - Environment

[4-302.1.

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

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

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

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

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

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

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

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

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

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

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

4-302.1.

(A) ON OR BEFORE JANUARY 1, ~~2011,~~ 2012, UNLESS A MORE ADVANCED UPGRADE OR UPGRADE SCHEDULE IS REQUIRED BY A STATE OR FEDERAL LAW OR REGULATION, IF FUNDING IS AVAILABLE FROM THE BAY RESTORATION FUND, A ~~SEWAGE~~ NONFEDERAL, PUBLICLY OWNED WASTEWATER TREATMENT PLANT THAT

DISCHARGES WASTEWATER INTO THE PATUXENT RIVER OR ANY OF ITS TRIBUTARIES AND ~~DISCHARGES OVER 150,000 GALLONS OF WASTEWATER DAILY INTO THE PATUXENT RIVER OR ANY OF ITS TRIBUTARIES~~ HAS A DESIGN CAPACITY OF AT LEAST 500,000 GALLONS PER DAY SHALL~~:~~

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

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

(B) ~~THE BAY RESTORATION FUND, ESTABLISHED UNDER § 9-1605.2 OF THIS ARTICLE, SHALL BE USED TO PAY FOR THE UPGRADES TO SEWAGE TREATMENT PLANTS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION~~ ON OR BEFORE JANUARY 1, 2016, UNLESS A MORE ADVANCED UPGRADE OR UPGRADE SCHEDULE IS REQUIRED BY A STATE OR FEDERAL LAW OR REGULATION, IF FUNDING IS AVAILABLE FROM THE BAY RESTORATION FUND, A NONFEDERAL WASTEWATER TREATMENT PLANT THAT DISCHARGES WASTEWATER INTO THE PATUXENT RIVER OR ANY OF ITS TRIBUTARIES AND HAS A DESIGN CAPACITY OF AT LEAST 50,000 GALLONS PER DAY SHALL UPGRADE TO ENHANCED NUTRIENT REMOVAL, AS DEFINED UNDER § 9-1601 OF THIS ARTICLE.

(C) ON OR BEFORE JANUARY 1, 2020, UNLESS A MORE ADVANCED UPGRADE OR UPGRADE SCHEDULE IS REQUIRED BY A STATE OR FEDERAL LAW OR REGULATION, IF FUNDING IS AVAILABLE FROM THE BAY RESTORATION FUND, A NONFEDERAL WASTEWATER TREATMENT PLANT THAT DISCHARGES WASTEWATER INTO THE PATUXENT RIVER OR ANY OF ITS TRIBUTARIES AND HAS A DESIGN CAPACITY THAT IS LESS THAN 50,000 GALLONS PER DAY SHALL UPGRADE TO ENHANCED NUTRIENT REMOVAL, AS DEFINED UNDER § 9-1601 OF THIS ARTICLE.

~~9-1605.2.~~

~~(i) (5) [Priority] EXCEPT AS PROVIDED UNDER § 4-302.1(A)(2) OF THIS ARTICLE, PRIORITY for funding an upgrade of a wastewater facility shall be given to enhanced nutrient removal upgrades at wastewater facilities with a design capacity of 500,000 gallons or more per day.~~

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