

HOUSE BILL 893

M3

71r0378

By: **Delegate James**

Introduced and read first time: February 9, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Bay Restoration Fund – Wastewater Treatment Facilities Upgrades –**
3 **Reporting Requirements**

4 FOR the purpose of requiring the Department of the Environment and the
5 Department of Planning annually to make a certain joint report to certain
6 persons on or before a certain date regarding the impact of certain upgraded
7 wastewater treatment facilities on growth, schools, hospitals, and other public
8 facilities in certain municipalities; and generally relating to upgraded
9 wastewater treatment facilities in the State.

10 BY repealing and reenacting, without amendments,
11 Article – Environment
12 Section 9–1605.2(a)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2006 Supplement)

15 BY adding to
16 Article – Environment
17 Section 9–1605.2(k)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 2006 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Environment
22 Section 9–1605.2(k)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (1996 Replacement Volume and 2006 Supplement)

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

5 **Article - Environment**

6 9-1605.2.

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

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

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

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

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

20 (4) There is established a Bay Restoration Fee to be paid by any user
21 of a wastewater facility, an onsite sewage disposal system, or a holding tank that:

22 (i) Is located in the State; or

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

25 **(K) (1) BEGINNING DECEMBER 1, 2008, AND EVERY YEAR**
26 **THEREAFTER, THE DEPARTMENT AND THE DEPARTMENT OF PLANNING SHALL**
27 **JOINTLY REPORT ON THE IMPACT THAT A WASTEWATER TREATMENT FACILITY**
28 **THAT WAS UPGRADED TO ENHANCED NUTRIENT REMOVAL DURING THE**
29 **PREVIOUS CALENDAR YEAR WITH FUNDS FROM THE BAY RESTORATION FUND**
30 **HAD ON:**

1 **(I) GROWTH WITHIN THE MUNICIPALITY IN WHICH THE**
2 **WASTEWATER TREATMENT FACILITY IS LOCATED, INCLUDING:**

3 **1. THE NUMBER OF PERMITS ISSUED FOR**
4 **RESIDENTIAL AND COMMERCIAL DEVELOPMENT; AND**

5 **2. WHETHER THE NUMBER OF PERMITS ISSUED FOR**
6 **RESIDENTIAL AND COMMERCIAL DEVELOPMENT HAS INCREASED OR**
7 **DECREASED AS A RESULT OF THE UPGRADED WASTEWATER TREATMENT**
8 **FACILITY; AND**

9 **(II) SCHOOLS, HOSPITALS, AND ANY OTHER PUBLIC**
10 **FACILITIES IN THE MUNICIPALITY IN WHICH THE WASTEWATER TREATMENT**
11 **FACILITY IS LOCATED.**

12 **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION SHALL ALSO CONTAIN THE MUNICIPALITY'S PLAN, IF ANY, FOR**
14 **ACCOMMODATING ADDITIONAL GROWTH AS A RESULT OF THE UPGRADED**
15 **WASTEWATER TREATMENT FACILITY.**

16 **(3) THE DEPARTMENT AND THE DEPARTMENT OF PLANNING**
17 **SHALL SUBMIT THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
18 **SUBSECTION TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE**
19 **HOUSE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE**
20 **EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE**
21 **HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE ENVIRONMENTAL**
22 **MATTERS COMMITTEE, AND THE GOVERNOR, IN ACCORDANCE WITH § 2-1246**
23 **OF THE STATE GOVERNMENT ARTICLE.**

24 [(k)] (L) The Department shall adopt regulations that are necessary or
25 appropriate to carry out the provisions of this section.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2007.