

HOUSE BILL 893

M3

71r0378

By: **Delegate James**

Introduced and read first time: February 9, 2007

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2007

CHAPTER _____

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~~; municipalities and counties; requiring the
9 departments to include in the report certain information and determine, in
10 consultation with and with the assistance of certain persons, other information
11 to be included in the report; and generally relating to upgraded wastewater
12 treatment facilities in the State.

13 BY repealing and reenacting, without amendments,
14 Article – Environment
15 Section 9–1605.2(a)
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 2006 Supplement)

18 BY adding to
19 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 9–1605.2(k)
2 Annotated Code of Maryland
3 (1996 Replacement Volume and 2006 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Environment
6 Section 9–1605.2(k)
7 Annotated Code of Maryland
8 (1996 Replacement Volume and 2006 Supplement)

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

11 **Article – Environment**

12 9–1605.2.

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

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

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

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

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

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

28 (i) Is located in the State; or

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

1 (K) (1) ~~BEGINNING DECEMBER 1, 2008~~ BEGINNING JANUARY 1, 2009, AND EVERY
2 YEAR THEREAFTER, THE DEPARTMENT AND THE DEPARTMENT OF PLANNING
3 SHALL JOINTLY REPORT ON THE IMPACT THAT A WASTEWATER TREATMENT
4 FACILITY THAT WAS UPGRADED TO ENHANCED NUTRIENT REMOVAL DURING
5 THE PREVIOUS CALENDAR YEAR WITH FUNDS FROM THE BAY RESTORATION
6 FUND HAD ON:

7 ~~(I) GROWTH WITHIN THE MUNICIPALITY OR COUNTY IN~~
8 ~~WHICH THE WASTEWATER TREATMENT FACILITY IS LOCATED, INCLUDING:~~

9 ~~1. THE NUMBER OF PERMITS ISSUED FOR~~
10 ~~RESIDENTIAL AND COMMERCIAL DEVELOPMENT; AND~~

11 ~~2. WHETHER THE NUMBER OF PERMITS ISSUED FOR~~
12 ~~RESIDENTIAL AND COMMERCIAL DEVELOPMENT HAS INCREASED OR~~
13 ~~DECREASED AS A RESULT OF THE UPGRADED WASTEWATER TREATMENT~~
14 ~~FACILITY; AND~~

15 ~~(II) SCHOOLS, HOSPITALS, AND ANY OTHER PUBLIC~~
16 ~~FACILITIES IN THE MUNICIPALITY IN WHICH THE WASTEWATER TREATMENT~~
17 ~~FACILITY IS LOCATED.~~

18 ~~(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS~~
19 ~~SUBSECTION SHALL ALSO CONTAIN THE MUNICIPALITY'S PLAN, IF ANY, FOR~~
20 ~~ACCOMMODATING ADDITIONAL GROWTH AS A RESULT OF THE UPGRADED~~
21 ~~WASTEWATER TREATMENT FACILITY.~~

22 (2) (I) IN PREPARING THE REPORT REQUIRED UNDER
23 PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF THE
24 ENVIRONMENT AND THE DEPARTMENT OF PLANNING SHALL:

25 1. INCLUDE THE NUMBER OF PERMITS ISSUED FOR
26 RESIDENTIAL AND COMMERCIAL DEVELOPMENT TO BE SERVED BY THE
27 UPGRADED WASTEWATER TREATMENT FACILITY; AND

28 2. DETERMINE WHAT OTHER APPROPRIATE
29 INFORMATION IS TO BE INCLUDED IN THE REPORT.

30 (II) IN DETERMINING THE INFORMATION THAT SHOULD BE
31 INCLUDED IN THE REPORT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH,

1 THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF
2 PLANNING SHALL ACT:

3 1. IN CONSULTATION WITH THE BAY RESTORATION
4 FUND ADVISORY COMMITTEE; AND

5 2. WITH THE ASSISTANCE OF THE MUNICIPALITY
6 AND COUNTY IN WHICH AN UPGRADED WASTEWATER TREATMENT FACILITY IS
7 LOCATED.

8 (3) THE DEPARTMENT AND THE DEPARTMENT OF PLANNING
9 SHALL SUBMIT THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
10 SUBSECTION TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE
11 HOUSE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE
12 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE
13 HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE ENVIRONMENTAL
14 MATTERS COMMITTEE, AND THE GOVERNOR, IN ACCORDANCE WITH § 2-1246
15 OF THE STATE GOVERNMENT ARTICLE.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.