

# HOUSE BILL 734

M3, M4  
HB 1268/07 – ENV

8lr0828

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By: **Delegates Elliott and Stull**

Introduced and read first time: February 4, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Bay Restoration Fund – Disbursement of Funds**

3 FOR the purpose of increasing the percentage of certain funds from the Bay  
4 Restoration Fund that are disbursed to fund cover crop activities; altering the  
5 percentage of funds that are used for purposes relating to onsite sewage  
6 disposal systems; and generally relating to the disbursement of funds from the  
7 Bay Restoration Fund.

8 BY repealing and reenacting, without amendments,  
9 Article – Environment  
10 Section 9–1605.2(b)(1) and (h)(1)  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2007 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Environment  
15 Section 9–1605.2(h)(2)  
16 Annotated Code of Maryland  
17 (2007 Replacement Volume and 2007 Supplement)

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

20 **Article – Environment**

21 9–1605.2.

22 (b) (1) The Bay Restoration Fee is:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

17 3. For each equivalent dwelling unit exceeding 5,000  
18 equivalent dwelling units, zero.

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

22 (i) Establish a separate account within the Bay Restoration  
23 Fund; and

24 (ii) Disburse the funds as provided under paragraph (2) of this  
25 subsection.

26 (2) The Comptroller shall:

27 (i) Deposit [~~60%~~ **40%**] of the funds in the separate account to  
28 be used for:

29 1. Subject to paragraph (3) of this subsection, with  
30 priority first given to failing systems and holding tanks located in the Chesapeake and  
31 Atlantic Coastal Bays Critical Area and then to failing systems that the Department  
32 determines are a threat to public health or water quality, grants or loans for up to  
33 100% of:

34 A. The costs attributable to upgrading an onsite sewage  
35 disposal system to the best available technology for the removal of nitrogen;

1                           B.     The cost difference between a conventional onsite  
2 sewage disposal system and a system that utilizes the best available technology for the  
3 removal of nitrogen; or

4                           C.     The cost of repairing or replacing a failing onsite  
5 sewage disposal system with a system that uses the best available technology for  
6 nitrogen removal or another wastewater treatment system; and

7                           2.     The reasonable costs of the Department, not to exceed  
8 8% of the funds deposited into the separate account, to:

9                           A.     Implement an education, outreach, and upgrade  
10 program to advise owners of onsite sewage disposal systems and holding tanks on the  
11 proper maintenance of the systems and tanks and the availability of grants and loans  
12 under item 1 of this item;

13                          B.     Review and approve the design and construction of  
14 onsite sewage disposal system or holding tank upgrades;

15                          C.     Issue grants or loans as provided under item 1 of this  
16 item; and

17                          D.     Provide technical support for owners of upgraded  
18 onsite sewage disposal systems or holding tanks to operate and maintain the upgraded  
19 systems; and

20                           (ii)    Transfer [40%] **60%** of the funds to the Maryland  
21 Agriculture Water Quality Cost Share Program in the Department of Agriculture in  
22 order to fund cover crop activities.

23                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 July 1, 2008.