SENATE BILL 382

M3 8lr1875
SB 379/06 – EHE

By: **Senators Dyson, Middleton, and Miller**
Introduced and read first time: January 30, 2008
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Environment – 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; 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; and generally relating to the Patuxent River watershed and the Bay Restoration Fund.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–302.1 and 9–1605.2(i)(5)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 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 seven 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

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

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) On or before January 1, **[**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 nonfederal, publicly owned wastewater treatment plant that discharges wastewater into the Patuxent River or any of its tributaries and has a design capacity of at least 500,000 gallons per day shall upgrade to enhanced nutrient removal, as defined under § 9–1601 of this article.**] 2011, A SEWAGE TREATMENT PLANT THAT DISCHARGES OVER 150,000 GALLONS OF WASTEWATER DAILY INTO THE PATUXENT RIVER OR ANY OF ITS TRIBUTARIES 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) **[**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.**] 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.**

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, 2008.