

HOUSE BILL 221

M3, M4
HB 734/08 – ENV

9lr0706

By: **Delegates Elliott and Stull**

Introduced and read first time: January 28, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the percentage of funds that are used for purposes
4 relating to onsite sewage disposal systems; altering the percentage of certain
5 funds from the Bay Restoration Fund that are disbursed to fund cover crop
6 activities; and generally relating to the disbursement of funds from the Bay
7 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 2008 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 2008 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:

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;

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

7 D. The cost, up to the sum of the costs authorized under
8 item 1B of this item for each individual system, of replacing multiple onsite sewage
9 disposal systems located in the same community with a new community sewerage
10 system that is owned by a local government and that meets enhanced nutrient
11 removal standards.

12 2. The reasonable costs of the Department, not to exceed
13 8% of the funds deposited into the separate account, to:

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

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

20 C. Issue grants or loans as provided under item 1 of this
21 item; and

22 D. Provide technical support for owners of upgraded
23 onsite sewage disposal systems or holding tanks to operate and maintain the upgraded
24 systems; and

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2009.