

# SENATE BILL 11

M3

EMERGENCY BILL

2lr4565  
CF 2lr4581

---

By: **Senator Pipkin**

Introduced and read first time: October 17, 2011

Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Watershed Implementation Plan – Cap on Costs**

3 FOR the purpose of requiring each entity that prepares a Watershed Implementation  
4 Plan to prepare a cost assessment of certain costs associated with implementing  
5 the Plan through a certain period of time; requiring a certain cost assessment to  
6 be updated each year by a certain date; requiring the Department of the  
7 Environment to submit a certain report to the Governor and the General  
8 Assembly each year by a certain date; prohibiting an entity from implementing  
9 a Watershed Implementation Plan if a certain cost assessment exceeds a certain  
10 amount; prohibiting an entity of a Watershed Implementation Plan from  
11 continuing implementation if a certain cost assessment exceeds a certain  
12 amount; making this Act an emergency measure; defining certain terms; and  
13 generally relating to a State Watershed Implementation Plan.

14 BY adding to

15 Article – Environment

16 Section 4–801 and 4–802 to be under the new subtitle “Subtitle 8.  
17 Implementation of the Chesapeake Bay Total Maximum Daily Load”

18 Annotated Code of Maryland

19 (2007 Replacement Volume and 2011 Supplement)

20 Preamble

21 WHEREAS, There are estimates indicating that the implementation of  
22 Watershed Implementation Plans in the State will cost at least \$11 billion; and

23 WHEREAS, The State Operating Budget for fiscal year 2012 allocated  
24 \$14,748,701,445 in general funds; now, therefore,

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## 1 Article – Environment

2 SUBTITLE 8. IMPLEMENTATION OF THE CHESAPEAKE BAY TOTAL MAXIMUM  
3 DAILY LOAD.

## 4 4–801.

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (B) (1) “BAY TMDL” MEANS THE TOTAL MAXIMUM DAILY LOAD  
8 (TMDL) FOR THE CHESAPEAKE BAY ESTABLISHED UNDER THE FEDERAL  
9 CLEAN WATER ACT BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY ON  
10 DECEMBER 29, 2010.

11 (2) “BAY TMDL” INCLUDES ANY MODIFICATIONS TO THE BAY  
12 TMDL MADE BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

13 (C) (1) “WIP” MEANS A STATE WATERSHED IMPLEMENTATION PLAN  
14 APPROVED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO  
15 IMPLEMENT THE BAY TMDL WITHIN THE STATE.

16 (2) “WIP” INCLUDES ANY MODIFICATIONS MADE BY THE STATE  
17 TO A WIP.

## 18 4–802.

19 (A) (1) EACH ENTITY THAT PREPARES A WIP SHALL PREPARE A  
20 COST ASSESSMENT OF THE COSTS FOR IMPLEMENTING THE WIP THROUGH  
21 2017.

22 (2) THE COST ASSESSMENT FOR EACH WIP:

23 (I) SHALL INCLUDE THE AMOUNT OF FUNDS NECESSARY  
24 TO IMPLEMENT THE WIP THROUGH 2017; AND

25 (II) SHALL SPECIFY THE AMOUNT OF:

26 1. STATE GENERAL FUNDS, LOCAL FUNDS, AND  
27 FEDERAL FUNDS THAT HAVE BEEN EXPENDED TO DATE TO IMPLEMENT THE  
28 WIP; AND

1                                   **2. FUNDS NEEDED TO COMPLETE IMPLEMENTATION**  
2 **OF THE WIP.**

3                   **(3) THE COST ASSESSMENT FOR EACH WIP SHALL BE UPDATED**  
4 **BY AN ENTITY EACH YEAR BY DECEMBER 1.**

5           **(B) (1) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE**  
6 **DEPARTMENT SHALL REPORT TO THE GOVERNOR AND THE GENERAL**  
7 **ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**  
8 **ARTICLE, ON THE COST ASSESSMENTS OF ALL WIPS IN THE STATE.**

9                   **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**  
10 **SUBSECTION SHALL INCLUDE AN AGGREGATE SUM OF ALL COST ASSESSMENTS**  
11 **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.**

12           **(C) IF THE AGGREGATE SUM OF ALL COST ASSESSMENTS OF**  
13 **IMPLEMENTING WIPS IN THE STATE THROUGH 2017 EXCEEDS \$14,748,701,445**  
14 **IN ANY GIVEN FISCAL YEAR, AN ENTITY MAY NOT:**

15                   **(1) BEGIN IMPLEMENTATION OF A WIP; OR**

16                   **(2) CONTINUE THE IMPLEMENTATION OF A WIP.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
18 measure, is necessary for the immediate preservation of the public health or safety,  
19 has been passed by a ye and nay vote supported by three-fifths of all the members  
20 elected to each of the two Houses of the General Assembly, and shall take effect from  
21 the date it is enacted.