

SENATE BILL 18

M3

EMERGENCY BILL

2lr4590

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 – Conowingo Dam**
3 **Environmental Assessment**

4 FOR the purpose of prohibiting a person from engaging in an activity or strategy to
5 implement a State Watershed Implementation Plan until the State completes a
6 full assessment of the environmental impacts of opening the Conowingo Dam
7 floodgates in a certain month following Hurricane Irene and Tropical Storm
8 Lee; defining certain terms; making this Act an emergency measure; and
9 generally relating to implementation of a State Watershed Implementation
10 Plan.

11 BY adding to
12 Article – Environment
13 Section 4–801 and 4–802 to be under the new subtitle “Subtitle 8.
14 Implementation of the Chesapeake Bay Total Maximum Daily Load”
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2011 Supplement)

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

19 **Article – Environment**

20 **SUBTITLE 8. IMPLEMENTATION OF THE CHESAPEAKE BAY TOTAL MAXIMUM**
21 **DAILY LOAD.**

22 **4–801.**

23 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 **(C) (1) “WIP” MEANS A STATE WATERSHED IMPLEMENTATION PLAN**
8 **(WIP) APPROVED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO**
9 **IMPLEMENT THE BAY TMDL WITHIN THE STATE.**

10 **(2) “WIP” INCLUDES ANY MODIFICATIONS MADE BY THE STATE**
11 **TO A WIP.**

12 **4–802.**

13 **A PERSON MAY NOT ENGAGE IN ANY ACTIVITY OR STRATEGY TO**
14 **IMPLEMENT A WIP UNTIL THE STATE COMPLETES A FULL ASSESSMENT OF THE**
15 **ENVIRONMENTAL IMPACTS OF THE OPENING OF THE CONOWINGO DAM**
16 **FLOODGATES IN SEPTEMBER 2011 FOLLOWING HURRICANE IRENE AND**
17 **TROPICAL STORM LEE.**

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