

## Chapter 502

(Senate Bill 575)

AN ACT concerning

### **Environment – Maryland Clean Water Fund – ~~Uses~~ Annual Report**

FOR the purpose of requiring the Department of the Environment to ~~use certain penalties or fines that are paid into the Maryland Clean Water Fund to restore or improve certain areas associated with the penalty or fine; making certain technical changes~~ report on the status of the Maryland Clean Water Fund to certain committees of the General Assembly on or before a certain date each year; and generally relating to ~~uses of~~ the Maryland Clean Water Fund.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–320

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

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

### **Article – Environment**

9–320.

(a) There is a Maryland Clean Water Fund.

(b) The following payments shall be made into the Maryland Clean Water Fund:

(1) All application fees, permit fees, renewal fees, and funds collected by the Department under this subtitle, including any civil or administrative penalty or any fine imposed by a court under the provisions of this subtitle;

(2) Any civil penalty or any fine imposed by a court under the provisions of Title 5, Subtitle 5 of this article relating to water appropriation and use;

(3) Any civil or administrative penalty or any fine imposed by a court under the provisions of Title 4, Subtitle 1 of this article; and

(4) Any fees or funds that the Department collects under Subtitle 2, Part III of this title and §§ 9–269 and 9–270 of this title and any civil or

administrative penalty or fine imposed by a court under the provisions of Subtitle 2 of this title.

(c) ~~(1)~~ The Department shall use the Maryland Clean Water Fund for activities that are related to:

~~{(1)}~~ ~~(I)~~ The identification, monitoring, and regulation of the proper discharge of effluent into the waters of the State including program development of these activities as provided by the State budget;

~~{(2)}~~ ~~(II)~~ The management, conservation, protection, and preservation of the State's groundwater and surface water including program development of these activities as provided by the State budget;

~~{(3)}~~ ~~(III)~~ Correcting to the extent possible the failure to implement or maintain erosion and sediment controls;

~~{(4)}~~ ~~(IV)~~ Administration of the sediment control program;

~~{(5)}~~ ~~(V)~~ Emergency removal of sewage sludge or mitigation of the effect of any utilization of sewage sludge that the Department finds:

~~{(i)}~~ ~~1.~~ Endangers public health, safety, or welfare; or

~~{(ii)}~~ ~~2.~~ Endangers or damages natural resources;

~~{(6)}~~ ~~(VI)~~ Activities that are:

~~{(i)}~~ ~~1.~~ Conducted by the Department, by a local health official, or by the local health official's designee under § 9-243(e) of this title; and

~~{(ii)}~~ ~~2.~~ Related to identifying, monitoring, or regulating the utilization of sewage sludge, including program development; and

~~{(7)}~~ ~~(VII)~~ Providing supplemental inspections and monitoring of sewage sludge utilization sites by:

~~{(i)}~~ ~~1.~~ Contracting with a county on request of that county to provide supplemental inspections and monitoring; and

~~{(ii)}~~ ~~2.~~ Limiting the value of services provided under the contract to no more than 45% of the generator fees for sludge utilized in that county that is generated outside of that county or service area.

~~(2) THE DEPARTMENT SHALL USE ANY CIVIL OR ADMINISTRATIVE PENALTY OR FINE THAT IS PAID INTO THE MARYLAND CLEAN WATER FUND TO RESTORE OR IMPROVE:~~

~~(i) THE AREA ASSOCIATED WITH THE PENALTY OR FINE; OR~~

~~(ii) AN AREA THAT IS SIMILAR IN BIOLOGICAL FUNCTION TO THE AREA ASSOCIATED WITH THE PENALTY OR FINE, WITH PREFERENCE GIVEN TO AREAS IN CLOSE PROXIMITY TO THE AREA ASSOCIATED WITH THE PENALTY OR FINE.~~

(d) An expenditure that the Department makes under subsection ~~[(c)(5)]~~ ~~(c)(1)(v)~~ of this section shall be reimbursed to the Department by the sewage sludge utilizer whose sewage sludge utilization brought about the expenditure by:

- (1) Endangering public health, safety, or welfare; or
- (2) Endangering or damaging natural resources.

(e) In addition to any other legal action authorized by this subtitle, the Attorney General may bring an action against any person who fails to reimburse the Department under subsection (d) of this section to recover any expenditure that the Department makes under subsection ~~[(c)(5)]~~ ~~(c)(1)(v)~~ of this section.

(f) In determining the use of the Maryland Clean Water Fund, priority shall be given to activities relating to the water quality of the Chesapeake Bay and its tributaries.

(g) Notwithstanding any law to the contrary, funds credited and any interest accrued to the Fund:

- (1) Shall remain available until expended; and
- (2) May not be reverted to the General Fund under any other provision of law.

**(h) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF THE MARYLAND CLEAN WATER FUND, INCLUDING A DETAILED DESCRIPTION OF ALL REVENUES AND EXPENDITURES OF THE FUND FOR THE PREVIOUS YEAR.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

**Approved by the Governor, May 16, 2013.**