

# SENATE BILL 575

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By: **Senators Simonaire, Benson, Dyson, Ferguson, Jennings, Montgomery, Reilly, and Young**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Maryland Clean Water Fund – Uses**

3 FOR the purpose of requiring the Department of the Environment to use certain  
4 penalties or fines that are paid into the Maryland Clean Water Fund to restore  
5 or improve certain areas associated with the penalty or fine; making certain  
6 technical changes; and generally relating to uses of the Maryland Clean Water  
7 Fund.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 9–320  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2012 Supplement)

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

15 **Article – Environment**

16 9–320.

17 (a) There is a Maryland Clean Water Fund.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5           (4) Any fees or funds that the Department collects under Subtitle 2,  
6 Part III of this title and §§ 9–269 and 9–270 of this title and any civil or  
7 administrative penalty or fine imposed by a court under the provisions of Subtitle 2 of  
8 this title.

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

11           **[(1)] (I)** The identification, monitoring, and regulation of the proper  
12 discharge of effluent into the waters of the State including program development of  
13 these activities as provided by the State budget;

14           **[(2)] (II)** The management, conservation, protection, and preservation  
15 of the State’s groundwater and surface water including program development of these  
16 activities as provided by the State budget;

17           **[(3)] (III)** Correcting to the extent possible the failure to implement or  
18 maintain erosion and sediment controls;

19           **[(4)] (IV)** Administration of the sediment control program;

20           **[(5)] (V)** Emergency removal of sewage sludge or mitigation of the  
21 effect of any utilization of sewage sludge that the Department finds:

22                   **[(i)] 1.** Endangers public health, safety, or welfare; or

23                   **[(ii)] 2.** Endangers or damages natural resources;

24           **[(6)] (VI)** Activities that are:

25                   **[(i)] 1.** Conducted by the Department, by a local health  
26 official, or by the local health official’s designee under § 9–243(e) of this title; and

27                   **[(ii)] 2.** Related to identifying, monitoring, or regulating the  
28 utilization of sewage sludge, including program development; and

29           **[(7)] (VII)** Providing supplemental inspections and monitoring of  
30 sewage sludge utilization sites by:

1                    [(i)] 1. Contracting with a county on request of that county to  
2 provide supplemental inspections and monitoring; and

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

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

9                    (I) THE AREA ASSOCIATED WITH THE PENALTY OR FINE; OR

10                    (II) AN AREA THAT IS SIMILAR IN BIOLOGICAL FUNCTION TO  
11 THE AREA ASSOCIATED WITH THE PENALTY OR FINE, WITH PREFERENCE GIVEN  
12 TO AREAS IN CLOSE PROXIMITY TO THE AREA ASSOCIATED WITH THE PENALTY  
13 OR FINE.

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

17                    (1) Endangering public health, safety, or welfare; or

18                    (2) Endangering or damaging natural resources.

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

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

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

28                    (1) Shall remain available until expended; and

29                    (2) May not be reverted to the General Fund under any other  
30 provision of law.

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