

HB0011/970117/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 11
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “costs;” insert “requiring the Department of the Environment to adopt certain regulations; providing for the application of certain regulations; requiring the Department to consider certain information as a part of a certain review process; requiring certain information to be included in a certain notice for, and discussed at certain hearings on, certain projects; requiring the Department to submit a certain annual report to certain committees of the General Assembly beginning on a certain date;”.

AMENDMENT NO. 2

On page 2, in line 6, strike “paragraph (3)” and substitute “**PARAGRAPHS (3), (4), (5), AND (6)**”; and in line 27, after “removal” insert “**OR BIOLOGICAL NUTRIENT REMOVAL**”.

On page 4, in line 9, after “removal” insert “**OR BIOLOGICAL NUTRIENT REMOVAL**”.

AMENDMENT NO. 3

On page 3, in line 11, strike “(i)”; and in lines 13, 15, 17, 19, 20, 22, 25, 26, 29, and 31, strike “1.”, “2.”, “A.”, “B.”, “(ii)”, “1.”, “2.”, “A.”, “B.”, and “3.”, respectively, and substitute “**(I)**”, “**(II)**”, “**1.**”, “**2.**”, “**(4)**”, “**(I)**”, “**(II)**”, “**1.**”, “**2.**”, and “**(III)**”, respectively.

On page 4, in lines 1, 3, 6, 7, 11, 13, 15, 23, and 29, strike “(iii)”, “1.”, “2.”, “A.”, “B.”, “3.”, “4. A.”, “B.”, and “(4)”, respectively, and substitute “**(5)**”, “**(I)**”, “**(II)**”, “**1.**”, “**2.**”, “**(III)**”, “**(IV)**”, “**1.**”, “**2.**”, and “**(6)**”, respectively; and in line 14, strike “AND”.

AMENDMENT NO. 4

(Over)

On page 4, in line 28, strike “IDENTIFIED” and substitute “:

A. IDENTIFIED”;

and in the same line, after “PLAN” insert: “;OR

B. CERTIFIED BY A COUNTY ENVIRONMENTAL HEALTH DIRECTOR WITH CONCURRENCE BY THE DEPARTMENT AND, IF FUNDING IS APPROVED, SUBSEQUENTLY ADDED TO THE COUNTY WATER AND SEWER PLAN WITHIN A TIME FRAME JOINTLY AGREED ON BY THE DEPARTMENT AND THE COUNTY THAT TAKES INTO CONSIDERATION THE COUNTY’S WATER AND SEWER PLAN UPDATE AND AMENDMENT PROCESS; AND

(V) THE FUNDING AGREEMENT FOR A PROJECT THAT MEETS THE CONDITIONS FOR FUNDING UNDER SUBPARAGRAPH (IV)2 OF THIS PARAGRAPH INCLUDES PROVISIONS TO ENSURE:

1. DENIAL OF ACCESS FOR ANY FUTURE CONNECTIONS THAT ARE NOT INCLUDED IN THE PROJECT’S PROPOSED SERVICE AREA; AND

2. THAT THE PROJECT WILL NOT UNDULY IMPEDE ACCESS TO FUNDING FOR UPGRADING INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEMS IN THE COUNTY WITH BEST AVAILABLE TECHNOLOGY FOR NITROGEN REMOVAL”.

AMENDMENT NO. 5

On page 5, after line 4, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (c) of this section and subject to subsection (b) of this section, the Department of the Environment shall adopt regulations establishing procedures for the review and public notice of, and the opportunity to request a public hearing on, projects receiving preliminary approval for funding under § 9-1605.2(h)(5)(iv)2 of the Environment Article, as enacted by Section 1 of this Act.

(b) (1) As a part of its review of a project receiving preliminary approval for funding under § 9-1605.2(h)(5)(iv)2 of the Environment Article, the Department shall consider:

(i) information about the public health issues the project addresses;

(ii) the potential infill development resulting from the project, as identified in the funding agreement;

(iii) any measures taken to mitigate the potential impacts of new growth resulting from the project; and

(iv) the total net nitrogen reduction resulting from the project, including a consideration of additional loading from potential new growth.

(2) The information considered by the Department under paragraph (1) of this subsection shall be included:

(i) in the public notification of the project; and

(ii) if a hearing is requested, discussed at the public hearing on the project.

(c) The regulations adopted under this section do not apply to a project:

(1) that will be served by an existing municipal wastewater treatment facility that is achieving enhanced nutrient removal level treatment;

(2) for which an application for funding from the Department has been submitted on or before February 15, 2014;

(3) that has undergone a public notification and hearing process on or before February 15, 2014; and

(4) that has been certified by the Department as substantially meeting the public notice and hearing requirements established under this section.

SECTION 3. AND BE IT FURTHER ENACTED, That beginning December 1, 2015, the Department of the Environment shall submit a report each year, in accordance with § 2-1246 of the State Government Article, to the House Environmental Matters Committee and the Senate Education, Health, and Environmental Affairs Committee, on:

(1) each project funded under § 9-1605.2(h)(5)(iv)2 of the Environment Article, as enacted by Section 1 of this Act; and

(2) a summary of any impacts that the funding used for these projects had on overall funding for upgrading individual on-site sewage disposal systems with best available technology for nitrogen removal.”.

AMENDMENT NO. 6

On page 5, in line 5, strike “2.” and substitute “4.”; in line 6, strike “October” and substitute “June”.