

# HOUSE BILL 12

M3

4lr0048

(PRE-FILED)

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Requested: October 29, 2013

Introduced and read first time: January 8, 2014

Assigned to: Environmental Matters

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Committee Report: Favorable

House action: Adopted

Read second time: February 18, 2014

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Bay Restoration Fund – Authorized Uses – Local Entities**

3 FOR the purpose of authorizing certain fee revenue collected for the Bay Restoration  
4 Fund to be used by certain local entities to implement certain on-site sewage  
5 disposal system regulations; and generally relating to authorized uses of the  
6 Bay Restoration Fund.

7 BY repealing and reenacting, without amendments,  
8 Article – Environment  
9 Section 9–1605.2(h)(1)  
10 Annotated Code of Maryland  
11 (2007 Replacement Volume and 2013 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Environment  
14 Section 9–1605.2(h)(2)  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2013 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**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9-1605.2.

2 (h) (1) With regard to the funds collected under subsection (b)(1)(i)1, from  
3 users of an onsite sewage disposal system or holding tank that receive a water bill,  
4 (i)2, and (i)3 of this section, beginning in fiscal year 2006, the Comptroller shall:

5 (i) Establish a separate account within the Bay Restoration  
6 Fund; and

7 (ii) Disburse the funds as provided under paragraph (2) of this  
8 subsection.

9 (2) The Comptroller shall:

10 (i) Deposit 60% of the funds in the separate account to be used  
11 for:

12 1. Subject to paragraph (3) of this subsection, with  
13 priority first given to failing systems and holding tanks located in the Chesapeake and  
14 Atlantic Coastal Bays Critical Area and then to failing systems that the Department  
15 determines are a threat to public health or water quality, grants or loans for up to  
16 100% of:

17 A. The costs attributable to upgrading an onsite sewage  
18 disposal system to the best available technology for the removal of nitrogen;

19 B. The cost difference between a conventional onsite  
20 sewage disposal system and a system that utilizes the best available technology for the  
21 removal of nitrogen;

22 C. The cost of repairing or replacing a failing onsite  
23 sewage disposal system with a system that uses the best available technology for  
24 nitrogen removal;

25 D. The cost, up to the sum of the costs authorized under  
26 item B of this item for each individual system, of replacing multiple onsite sewage  
27 disposal systems located in the same community with a new community sewerage  
28 system that is owned by a local government and that meets enhanced nutrient  
29 removal standards; or

30 E. The cost, up to the sum of the costs authorized under  
31 item C of this item for each individual system, of connecting a property using an onsite  
32 sewage disposal system to an existing municipal wastewater facility that is achieving  
33 enhanced nutrient removal level treatment; [and]

1                                   2.     The reasonable costs of the Department, not to exceed  
2 8% of the funds deposited into the separate account, to:

3                                   A.     Implement an education, outreach, and upgrade  
4 program to advise owners of onsite sewage disposal systems and holding tanks on the  
5 proper maintenance of the systems and tanks and the availability of grants and loans  
6 under item 1 of this item;

7                                   B.     Review and approve the design and construction of  
8 onsite sewage disposal system or holding tank upgrades;

9                                   C.     Issue grants or loans as provided under item 1 of this  
10 item; and

11                                  D.     Provide technical support for owners of upgraded  
12 onsite sewage disposal systems or holding tanks to operate and maintain the upgraded  
13 systems; and

14                                  **3.     A PORTION OF THE REASONABLE COSTS OF A  
15 LOCAL PUBLIC ENTITY THAT HAS BEEN DELEGATED BY THE DEPARTMENT  
16 UNDER § 1-301(B) OF THIS ARTICLE TO ADMINISTER AND ENFORCE  
17 ENVIRONMENTAL LAWS, NOT TO EXCEED 10% OF THE FUNDS DEPOSITED INTO  
18 THE SEPARATE ACCOUNT, TO IMPLEMENT REGULATIONS ADOPTED BY THE  
19 DEPARTMENT FOR ON-SITE SEWAGE DISPOSAL SYSTEMS THAT UTILIZE THE  
20 BEST AVAILABLE TECHNOLOGY FOR THE REMOVAL OF NITROGEN; AND**

21                                  (ii)    Transfer 40% of the funds to the Maryland Agriculture  
22 Water Quality Cost Share Program in the Department of Agriculture in order to fund  
23 cover crop activities.

24                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 July 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.