

HOUSE BILL 12

M3

4lr0048

(PRE-FILED)

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

A BILL ENTITLED

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**

20 9–1605.2.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Establish a separate account within the Bay Restoration
2 Fund; and

3 (ii) Disburse the funds as provided under paragraph (2) of this
4 subsection.

5 (2) The Comptroller shall:

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

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

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

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

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

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

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

30 2. The reasonable costs of the Department, not to exceed
31 8% of the funds deposited into the separate account, to:

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

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

3 C. Issue grants or loans as provided under item 1 of this
4 item; and

5 D. Provide technical support for owners of upgraded
6 onsite sewage disposal systems or holding tanks to operate and maintain the upgraded
7 systems; and

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

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

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