

SB0266/243926/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 266
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “- Prohibition”; in line 8, after “technology;” insert “requiring the Department of the Environment to use certain money from the Bay Restoration Fund to assist a person in paying the cost difference between a conventional on-site sewage disposal system and a system utilizing nitrogen removal technology in a certain order of priority; providing that certain requirements for utilizing certain nitrogen removal technology do not apply to a person that owns property in a certain location if the person applies for and is unable to obtain certain assistance;”; and in line 13, after “9-1108” insert “and 9-1605.2(h)(2)(i)1.”

AMENDMENT NO. 2

On page 2, in line 3, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (C)(3) OF THIS SECTION, A”; in line 13, strike the brackets; in the same line, after “subsection” insert “AND”; in the same line, strike “IN”; in line 14, strike “homeowners” and substitute “A PERSON”; after line 17, insert:

“(2) THE DEPARTMENT SHALL PROVIDE THE ASSISTANCE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN THE FOLLOWING ORDER OF PRIORITY:

(I) FIRST, FOR FAILING SYSTEMS IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA;

(II) SECOND, FOR SYSTEMS IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA THAT ARE NOT FAILING;

(Over)

(III) THIRD, FOR FAILING SYSTEMS IN THE CHESAPEAKE BAY WATERSHED, THE ATLANTIC COASTAL BAYS WATERSHED, OR THE WATERSHED OF A NITROGEN-IMPAIRED BODY OF WATER; AND

(IV) FOURTH, FOR SYSTEMS IN THE CHESAPEAKE BAY WATERSHED, THE ATLANTIC COASTAL BAYS WATERSHED, OR THE WATERSHED OF A NITROGEN-IMPAIRED BODY OF WATER THAT ARE NOT FAILING.

(3) THE REQUIREMENTS IN SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO A PERSON THAT OWNS PROPERTY THAT IS LOCATED IN THE CHESAPEAKE BAY WATERSHED, THE ATLANTIC COASTAL BAYS WATERSHED, OR THE WATERSHED OF A NITROGEN-IMPAIRED BODY OF WATER THAT IS NOT IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA IF THE PERSON APPLIES FOR AND IS UNABLE TO OBTAIN ASSISTANCE UNDER § 9-1605.2(H) OF THIS TITLE.”;

and after line 33, insert:

“9-1605.2.

(h) (2) The Comptroller shall:

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

1. [Subject] EXCEPT AS PROVIDED IN § 9-1108 OF THIS TITLE AND SUBJECT to paragraphs (3), (4), (5), and (6) of this subsection, with priority first given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the Department determines are a threat to public health or water quality, grants or loans for up to 100% of:

A. The costs attributable to upgrading an on-site sewage disposal system to the best available technology for the removal of nitrogen;

B. The cost difference between a conventional on-site sewage disposal system and a system that utilizes the best available technology for the removal of nitrogen;

C. The cost of repairing or replacing a failing on-site sewage disposal system with a system that uses the best available technology for nitrogen removal;

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

E. The cost, up to the sum of the costs authorized under item C of this item for each individual system, of connecting a property using an on-site sewage disposal system to an existing municipal wastewater facility that is achieving enhanced nutrient removal or biological nutrient removal level treatment, including payment of the principal, but not interest, of debt issued by a local government for such connection costs;”.