

HB0343/573324/1

BY: Senator Simonaire

AMENDMENTS TO HOUSE BILL 343
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Cox” in line 2 down through “**Alterations**” in line 3 and substitute “**Dredged Material – Containment, Redeposit, and Oversight**”; in line 7, strike “and generally relating to the Cox Creek Citizens Oversight Committee” and substitute “authorizing the Department of the Environment to approve the redeposit of certain dredged material under certain circumstances; authorizing the Department to approve contained areas at a large redevelopment site for the redeposit of certain dredged material; authorizing the Board of Public Works to approve a license or an amendment to a license for the deposit of certain dredged material; altering the responsibilities of the Hart-Miller-Pleasure Island Citizens Oversight Committee; and generally relating to the containment, redeposit, and oversight of dredged material”; in line 10, after “5–1102.1” insert “, 5–1103, and 5–1104(c)”; and after line 12, insert:

“BY repealing and reenacting, without amendments,

Article - Environment

Section 5-1104(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 16–202(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article - Environment

Section 16–202(i)
Annotated Code of Maryland
(2014 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 3, after line 12, insert:

“5–1103.

(a) IN THIS SECTION, “LARGE REDEVELOPMENT SITE” HAS THE MEANING STATED IN § 4–101.1 OF THIS ARTICLE.

(B) (1) [Except for dredge spoil from local dredging projects initiated by Baltimore County in the waters of Baltimore County, the] THE Department may not approve any contained area for the redeposit of [spoil] DREDGED MATERIAL within 5 miles of the Hart–Miller–Pleasure Island chain in Baltimore County EXCEPT FOR:

(I) DREDGE SPOIL FROM LOCAL DREDGING PROJECTS INITIATED BY BALTIMORE COUNTY IN THE WATERS OF BALTIMORE COUNTY; OR

(II) CONTAINED AREAS FOR THE REDEPOSIT OF DREDGED MATERIAL AT A LARGE REDEVELOPMENT SITE.

(2) A contained area described in paragraph [(1)] (1)(I) of this subsection may not exceed the approximately 1,100 acre size provided in the projects U.S. Army Corps of Engineers permit dated November 22, 1976.

(3) (i) Subject to [subparagraph] SUBPARAGRAPHS (ii) AND (III) of this paragraph, dredge spoil may not be deposited in the Hart–Miller Island Dredged Material Containment Facility after the first of the following to occur:

1. The maximum height of dredge spoil deposited in the Hart–Miller Island Dredged Material Containment Facility reaches:

A. 44 feet above the mean low water mark in the north cell; and

B. 28 feet above the mean low water mark in the south cell; or

2. January 1, 2010.

(ii) New dredge spoil dredged from a channel may not be deposited in the south cell.

(iii) NOTWITHSTANDING ANY OTHER LAW, ON OR BEFORE DECEMBER 31, 2027, THE DEPARTMENT MAY APPROVE THE REDEPOSIT OF DREDGED MATERIAL AT THE HART–MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY IF:

1. THE DREDGED MATERIAL IS FROM A LOCATION WITHIN 1 MILE OF THE SHORELINE OF A LARGE REDEVELOPMENT SITE; AND

2. THE PERSON UNDERTAKING THE DREDGING PROJECT HAS, AFTER CONSULTATION WITH THE HART–MILLER–PLEASURE ISLAND CITIZENS OVERSIGHT COMMITTEE, ENTERED INTO AN ENFORCEABLE COMMUNITY BENEFITS AGREEMENT WITH BALTIMORE COUNTY ON OR BEFORE DECEMBER 31, 2024, THAT:

A. AT THE REQUEST OF THE COUNTY EXECUTIVE OF BALTIMORE COUNTY, WAS PRESENTED TO AND APPROVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY; AND

(Over)

B. REQUIRES THE PERSON TO PAY A SUM OF MONEY TO BALTIMORE COUNTY AND ESTABLISHES A PAYMENT SCHEDULE FOR THE SUM OF MONEY, FOR THE PURPOSE OF FUNDING BENEFITS TO COMMUNITIES IN THE VICINITY OF THE HART-MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY.

[(b)] (C) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, only [spoil] DREDGED MATERIAL from the excavation or dredging of Baltimore Harbor, its approach channels, and Baltimore County tributary [spoil] DREDGED MATERIAL from an approved dredging project in any of the Baltimore County tributaries of the Chesapeake Bay may be redeposited in a contained area described in subsection [(a)] (B)(1)(I) of this section.

(2) Only [dredge spoil] DREDGED MATERIAL from local dredging projects initiated by Baltimore County in the waters of Baltimore County may be redeposited in any additional contained area for the redeposit of [spoil] DREDGED MATERIAL authorized under subsection [(a)(1)] (B)(1)(I) of this section.

(3) ONLY DREDGED MATERIAL FROM A LOCATION WITHIN 1 MILE OF THE SHORELINE OF A LARGE REDEVELOPMENT SITE MAY BE REDEPOSITED IN A CONTAINED AREA FOR THE REDEPOSIT OF DREDGED MATERIAL AUTHORIZED UNDER SUBSECTION (B)(1)(II) OF THIS SECTION.

(D) THE FEE PAYABLE FOR EACH CUBIC YARD OF DREDGED MATERIAL DEPOSITED AT THE HART-MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY IN ACCORDANCE WITH SUBSECTION (B)(3)(III) OF THIS SECTION SHALL:

(1) NOT EXCEED THE STATE'S ACTUAL INCREMENTAL COSTS OF OPERATING AND MAINTAINING THE HART-MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY, TO THE EXTENT SUCH COSTS ARISE FROM THE REDEPOSIT OF DREDGED MATERIAL DESCRIBED IN SUBSECTION (B)(3)(III) OF THIS SECTION, EXPRESSED ON A PER-CUBIC-YARD BASIS; AND

(2) BE IN ADDITION TO THE PAYMENTS REQUIRED BY THE COMMUNITY BENEFITS AGREEMENT UNDER SUBSECTION (B)(3)(III)2 OF THIS SECTION.

(E) NOTHING IN THIS SECTION SHALL AUTHORIZE THE DEPARTMENT TO APPROVE THE REDEPOSIT OF DREDGED MATERIAL WITHIN 5 MILES OF THE HART-MILLER-PLEASURE ISLAND CHAIN IN BALTIMORE COUNTY USING CONFINED AQUATIC DISPOSAL.

5-1104.

(a) (1) With the advice and consent of the Senate, the Governor shall appoint a Hart-Miller-Pleasure Island Citizens Oversight Committee.

(2) The terms and qualifications of members of the Oversight Committee shall be determined by the Governor.

(c) The Oversight Committee shall:

(1) Monitor and provide oversight regarding:

(i) The future development, use, and maintenance of the Hart-Miller-Pleasure Island chain; [and]

(ii) The water quality immediately surrounding the islands;

(Over)

(III) THE REDEPOSIT OF DREDGED MATERIAL AT THE HART-MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY; AND

(IV) ANY COMMUNITY BENEFITS AGREEMENTS ENTERED INTO IN ACCORDANCE WITH § 5-1103(B)(3)(III)2 OF THIS SUBTITLE; and

(2) Hear and dispose of complaints lodged by individuals affected by the future development and the water quality immediately surrounding the Hart-Miller-Pleasure Island chain.

16-202.

(a) A person may not dredge or fill on State wetlands without a license.

(i) (1) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE Board may not approve a license or an amendment to a license authorizing the dredge material deposited in the Hart-Miller Island Dredged Material Containment Facility to exceed an elevation of:

(i) 44 feet above the mean low water mark in the north cell; and

(ii) 28 feet above the mean low water mark in the south cell.

(2) [On] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON or after January 1, 2010, the Board may not approve a license or an amendment to a license authorizing the deposit of dredge material at the Hart-Miller ISLAND Dredged Material Containment Facility.

(3) (I) IN THIS PARAGRAPH, "LARGE REDEVELOPMENT SITE" HAS THE MEANING STATED IN § 4-101.1 OF THIS ARTICLE.

(ii) NOTWITHSTANDING ANY OTHER LAW, ON OR BEFORE DECEMBER 31, 2027, THE BOARD MAY APPROVE A LICENSE OR AN AMENDMENT TO A LICENSE AUTHORIZING THE DEPOSIT OF DREDGED MATERIAL AT THE HART-MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY IF:

1. THE DREDGED MATERIAL IS FROM A LOCATION WITHIN 1 MILE OF THE SHORELINE OF A LARGE REDEVELOPMENT SITE; AND

2. THE PERSON UNDERTAKING THE DREDGING PROJECT HAS, AFTER CONSULTATION WITH THE HART-MILLER-PLEASURE ISLAND CITIZENS OVERSIGHT COMMITTEE, ENTERED INTO AN ENFORCEABLE COMMUNITY BENEFITS AGREEMENT, IN ACCORDANCE WITH § 5-1103(B)(III)2 OF THIS ARTICLE.”.