

# SENATE BILL 168

M3

5lr1405

(PRE-FILED)

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By: **Senator Simonaire**

Requested: October 27, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2025

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~**Environmental Justice in Confined Aquatic Disposal Act**~~  
3 **Confined Aquatic Disposal Cells – Construction – Moratorium**

4 FOR the purpose of prohibiting the Department of the Environment from processing or  
5 making any recommendation on a certain application submitted for the purpose of  
6 constructing a confined aquatic disposal cell ~~within a certain distance of a residential~~  
7 ~~overburdened community~~ during a certain time period; prohibiting the Board of  
8 Public Works from approving a certain application submitted for the purpose of  
9 constructing a confined aquatic disposal cell ~~within a certain distance of a residential~~  
10 ~~overburdened community~~ during a certain time period; and generally relating to  
11 confined aquatic disposal cells.

12 ~~BY repealing and reenacting, without amendments,~~  
13 ~~Article – Environment~~  
14 ~~Section 1–701(a)(7)~~  
15 ~~Annotated Code of Maryland~~  
16 ~~(2013 Replacement Volume and 2024 Supplement)~~

17 BY repealing and reenacting, with amendments,  
18 Article – Environment  
19 Section 5–1101(a) and 5–1102  
20 Annotated Code of Maryland  
21 (2013 Replacement Volume and 2024 Supplement)

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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 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Environment**

4 ~~1-701.~~

5 (a) ~~(7) “Overburdened community” means any census tract for which three or~~  
6 ~~more of the following environmental health indicators are above the 75th percentile~~  
7 ~~statewide:~~

- 8 (i) ~~Particulate matter (PM) 2.5;~~
- 9 (ii) ~~Ozone;~~
- 10 (iii) ~~National Air Toxics Assessment (NATA) diesel PM;~~
- 11 (iv) ~~NATA cancer risk;~~
- 12 (v) ~~NATA respiratory hazard index;~~
- 13 (vi) ~~Traffic proximity;~~
- 14 (vii) ~~Lead paint indicator;~~
- 15 (viii) ~~National Priorities List Superfund site proximity;~~
- 16 (ix) ~~Risk Management Plan facility proximity;~~
- 17 (x) ~~Hazardous waste proximity;~~
- 18 (xi) ~~Wastewater discharge indicator;~~
- 19 (xii) ~~Proximity to a Concentrated Animal Feeding Operation (CAFO);~~
- 20 (xiii) ~~Percent of the population lacking broadband coverage;~~
- 21 (xiv) ~~Asthma emergency room discharges;~~
- 22 (xv) ~~Myocardial infarction discharges;~~
- 23 (xvi) ~~Low birth weight infants;~~
- 24 (xvii) ~~Proximity to emitting power plants;~~
- 25 (xviii) ~~Proximity to a Toxic Release Inventory (TRI) facility;~~

- 1           ~~(xix) Proximity to a brownfields site;~~  
2           ~~(xx) Proximity to mining operations; and~~  
3           ~~(xxi) Proximity to a hazardous waste landfill.~~

4 5-1101.

5           (a) In this subtitle the following words have the meanings indicated.

6           (1) “Baltimore County tributary dredged material” means earth, rock, soil,  
7 waste matter, muck, or other materials excavated or dredged from an approved dredging  
8 project in any of the Baltimore County tributaries of the Chesapeake Bay.

9           (2) “Baltimore Harbor” means the waterway which consists of the tidal  
10 portions of Patapsco River and its tributaries lying westward of a line extending from Rock  
11 Point in Anne Arundel County to North Point in Baltimore County.

12           (3) “Beneficial use of dredged material” means any of the following uses of  
13 dredged material from the Chesapeake Bay and its tributary waters placed into waters or  
14 onto bottomland of the Chesapeake Bay or its tidal tributaries, including Baltimore Harbor:

15                   (i) The restoration of underwater grasses;

16                   (ii) The restoration of islands;

17                   (iii) The stabilization of eroding shorelines;

18                   (iv) The creation or restoration of wetlands; and

19                   (v) The creation, restoration, or enhancement of fish or shellfish  
20 habitats.

21           (4) **“CONFINED AQUATIC DISPOSAL CELL” MEANS AN UNDERWATER**  
22 **CONTAINMENT STRUCTURE THAT STORES CONTAMINATED SEDIMENTS IN A**  
23 **DEPRESSION IN THE BOTTOM OF A BODY OF WATER. A DREDGED MATERIAL**  
24 **MANAGEMENT OPTION WHERE A DEPRESSION OR CELL IS EXCAVATED INTO THE**  
25 **BOTTOM OF A BODY OF WATER, ANY SAND EXCAVATED IS REUSED IN A BENEFICIAL**  
26 **MANNER, AND THE DEPRESSION OR CELL IS FILLED IN WITH DREDGED MATERIALS,**  
27 **INCLUDING DREDGED MATERIALS FROM BALTIMORE HARBOR.**

28           **[(4)] (5)** “Deep trough” means any region that:

29                   (i) Is south of the Chesapeake Bay Bridge and north of a line  
30 extending westerly from Bloody Point; and

1 (ii) Has a depth that exceeds 60 feet.

2 [(5)] (6) “Dredged material” means earth, sand, silt, sediment, shell, rock,  
3 soil, waste matter, or other material excavated or dredged from the Chesapeake Bay and  
4 its tributary waters.

5 [(6)] (7) “Innovative reuse” includes the use of dredged material in the  
6 development or manufacturing of commercial, industrial, horticultural, agricultural, or  
7 other products.

8 ~~(8) “OVERBURDENED COMMUNITY” HAS THE MEANING STATED IN §~~  
9 ~~1-701 OF THIS ARTICLE.~~

10 [(7)] ~~(9)~~ (8) “Redeposit” means to dump, scatter, pour, or otherwise deposit  
11 dredged material.

12 [(8)] ~~(10)~~ (9) (i) “Sewage sludge” means the accumulated semiliquid  
13 suspension of settled solids, or dried residue of these solids, that is deposited from sewage  
14 in wastewater treatment plant tanks or basins.

15 (ii) “Sewage sludge” includes raw untreated sewage disposed from  
16 the Back River Sewage Treatment Plant.

17 5–1102.

18 (a) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A person  
19 may not redeposit in an unconfined manner dredged material from Baltimore Harbor into  
20 or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater  
21 portions of any of the Chesapeake Bay’s tributaries outside of Baltimore Harbor.

22 (2) [However, the] THE dredged material may be redeposited in contained  
23 areas approved by the Department.

24 (b) A person may not redeposit in an unconfined manner Baltimore County  
25 tributary dredged material into or onto any portion of the water or bottomland of the  
26 Chesapeake Bay or of the tidewater portions of any of the Chesapeake Bay’s tributaries  
27 within 5 miles of the Hart–Miller–Pleasure Island chain in Baltimore County.

28 (c) (1) Except as provided in subsection (d) of this section AND SUBJECT TO  
29 PARAGRAPH (2) OF THIS SUBSECTION, a person may not redeposit in an unconfined  
30 manner dredged material into or onto any portion of the water or bottomland of the  
31 Chesapeake Bay or of the tidewater portion of any of the Chesapeake Bay’s tributaries  
32 except when used for a beneficial use project undertaken in accordance with State and  
33 federal laws.

1           **(2)** [However, the] **THE** dredged material may be redeposited in contained  
2 areas approved by the Department.

3           (d) (1) Beginning October 1, 2001, subject to paragraph (2) of this subsection,  
4 and in accordance with State and federal law, a person may redeposit up to 7.4 million cubic  
5 yards of dredged material into or onto any portion of the water, bottomland, or the  
6 tidewater portions of the Chesapeake Bay collectively known as Pooles Island, including  
7 G–West and Site 92.

8           (2) The redeposit of dredged material authorized under this subsection  
9 may not occur after the sooner of:

10           (i) December 31, 2010; or

11           (ii) The initiation of the placement of dredged material in any site or  
12 sites approved pursuant to the process established in § 5–1104.2(d)(1) of this subtitle if the  
13 total capacity of the approved site or sites, when combined with the approved capacity of  
14 existing placement sites identified in the October 1, 2000 report to the Maryland General  
15 Assembly regarding the Governor’s Strategic Plan for Dredged Material Management,  
16 provide 20 years of placement capacity for dredged material.

17           (e) A person may not dump, deposit, scatter, or release sewage sludge by any  
18 means, including discharge from a sewer or pipe, into or onto any portion of the water or  
19 bottomland of the Chesapeake Bay or of the tidewater portions of any of the Chesapeake  
20 Bay’s tributaries within 5 miles of the Hart–Miller–Pleasure Island chain in Baltimore  
21 County.

22           (f) A person may not redeposit dredged material or other material excavated or  
23 dredged from the Chesapeake Bay or its tidal tributaries into or onto the area of the  
24 bottomlands or waters of the Chesapeake Bay known as the deep trough.

25           **(G) (1) THE DEPARTMENT MAY NOT PROCESS OR MAKE ANY**  
26 **RECOMMENDATION TO THE BOARD OF PUBLIC WORKS REGARDING AN**  
27 **APPLICATION FOR THE ALTERATION OF ANY TIDAL WETLAND OR WATERS OF THE**  
28 **STATE SUBMITTED FOR THE PURPOSE OF CONSTRUCTING A CONFINED AQUATIC**  
29 **DISPOSAL CELL ~~WITHIN 5 MILES OF A RESIDENTIAL OVERBURDENED COMMUNITY~~**  
30 **FROM JUNE 1, 2025, THROUGH MAY 31, 2029, BOTH INCLUSIVE.**

31           **(2) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE AN**  
32 **APPLICATION FOR THE ALTERATION OF ANY TIDAL WETLAND OR WATERS OF THE**  
33 **STATE SUBMITTED FOR THE PURPOSE OF CONSTRUCTING A CONFINED AQUATIC**  
34 **DISPOSAL CELL ~~WITHIN 5 MILES OF A RESIDENTIAL OVERBURDENED COMMUNITY~~**  
35 **FROM JUNE 1, 2025, THROUGH MAY 31, 2029, BOTH INCLUSIVE.**

36           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 ~~October~~ June 1, 2025. It shall remain effective for a period of 4 years and, at the end of May

1 31, 2029, this Act, with no further action required by the General Assembly, shall be  
2 abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.