

SENATE BILL 168

M3

5lr1405

(PRE-FILED)

By: **Senator Simonaire**

Requested: October 27, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environmental Justice in Confined Aquatic Disposal Act**

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

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

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

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

22 **Article – Environment**

23 1–701.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

11 (i) The restoration of underwater grasses;

12 (ii) The restoration of islands;

13 (iii) The stabilization of eroding shorelines;

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

15 (v) The creation, restoration, or enhancement of fish or shellfish
16 habitats.

17 (4) **“CONFINED AQUATIC DISPOSAL CELL” MEANS AN UNDERWATER**
18 **CONTAINMENT STRUCTURE THAT STORES CONTAMINATED SEDIMENTS IN A**
19 **DEPRESSION IN THE BOTTOM OF A BODY OF WATER.**

20 [(4)] (5) “Deep trough” means any region that:

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

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

24 [(5)] (6) “Dredged material” means earth, sand, silt, sediment, shell, rock,
25 soil, waste matter, or other material excavated or dredged from the Chesapeake Bay and
26 its tributary waters.

27 [(6)] (7) “Innovative reuse” includes the use of dredged material in the
28 development or manufacturing of commercial, industrial, horticultural, agricultural, or
29 other products.

1 **(8) “OVERBURDENED COMMUNITY” HAS THE MEANING STATED IN §**
2 **1-701 OF THIS ARTICLE.**

3 **[(7)] (9)** “Redeposit” means to dump, scatter, pour, or otherwise deposit
4 dredged material.

5 **[(8)] (10)** (i) “Sewage sludge” means the accumulated semiliquid
6 suspension of settled solids, or dried residue of these solids, that is deposited from sewage
7 in wastewater treatment plant tanks or basins.

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

10 5-1102.

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

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

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

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

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

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

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

1 (i) December 31, 2010; or

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

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

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

16 **(G) (1) THE DEPARTMENT MAY NOT PROCESS OR MAKE ANY**
17 **RECOMMENDATION TO THE BOARD OF PUBLIC WORKS REGARDING AN**
18 **APPLICATION FOR THE ALTERATION OF ANY TIDAL WETLAND OR WATERS OF THE**
19 **STATE SUBMITTED FOR THE PURPOSE OF CONSTRUCTING A CONFINED AQUATIC**
20 **DISPOSAL CELL WITHIN 5 MILES OF A RESIDENTIAL OVERBURDENED COMMUNITY.**

21 **(2) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE AN**
22 **APPLICATION FOR THE ALTERATION OF ANY TIDAL WETLAND OR WATERS OF THE**
23 **STATE SUBMITTED FOR THE PURPOSE OF CONSTRUCTING A CONFINED AQUATIC**
24 **DISPOSAL CELL WITHIN 5 MILES OF A RESIDENTIAL OVERBURDENED COMMUNITY.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2025.