

Department of Legislative Services  
Maryland General Assembly  
2025 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 168

(Senator Simonaire)

Education, Energy, and the Environment

Environment and Transportation

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Confined Aquatic Disposal Cells - Construction - Moratorium

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This bill prohibits (1) the Maryland Department of the Environment (MDE) from processing or making any recommendation to the Board of Public Works (BPW) regarding an application for the alteration of any tidal wetland or waters of the State submitted for the purpose of constructing a “confined aquatic disposal cell” from June 1, 2025, through May 31, 2029, both inclusive, and (2) BPW from approving such an application. A “confined aquatic disposal cell” means a dredged material management option where a depression or cell is excavated into the bottom of a body of water, any sand excavated is reused in a beneficial manner, and the depression or cell is filled with dredged materials, including dredged materials from Baltimore Harbor. **The bill takes effect June 1, 2025, and terminates May 31, 2029.**

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Fiscal Summary

**State Effect:** The bill’s moratorium on the processing and approval of applications for the construction of confined aquatic disposal (CAD) cells is not anticipated to materially affect State operations or finances. MDE and BPW can implement the bill with existing budgeted resources.

**Local Effect:** The bill’s moratorium is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** Minimal or none.

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## Analysis

### Current Law:

#### *Restrictions on Redepositing Dredged Material, Sewage Sludge, and Other Material Excavated or Dredged from the Chesapeake Bay and Its Tidal Tributaries*

Statute contains several restrictions relating to the placement of dredged material, sewage sludge, and other material excavated or dredged from the Chesapeake Bay and its tidal tributaries, as follows:

- A person may not redeposit in an unconfined manner dredged material from Baltimore Harbor into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions of its tributaries outside of Baltimore Harbor. However, the dredged material may be redeposited in contained areas that are approved by MDE.
- A person may not redeposit in an unconfined manner Baltimore County tributary dredged material into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions of its tributaries within five miles of the Hart-Miller-Pleasure Island chain in Baltimore County.
- Except pursuant to specified provisions relating to the redeposit of dredged material at Pooles Island, a person may not redeposit in an unconfined manner dredged material into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions of its tributaries except when used for a beneficial use project undertaken in accordance with State and federal laws. However, the dredged material may be redeposited in contained areas that are approved by MDE.
- A person may not dump, deposit, scatter, or release sewage sludge (by any means) into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions of its tributaries within five miles of the Hart-Miller-Pleasure Island chain in Baltimore County.
- Finally, a person may not redeposit dredged material or other material excavated or dredged from the Chesapeake Bay or its tidal tributaries into or onto the area of the bottomlands or waters of the Chesapeake Bay known as the deep trough.

#### *Wetlands Regulation*

Wetlands in the State are protected, and the Wetlands and Waterways Program within MDE administers a statewide program for the management, conservation, and protection of Maryland's tidal wetlands and nontidal wetlands and waterways. Pursuant to current law and MDE regulations, and subject to certain exceptions, a person may not dredge, fill, or construct or reconstruct structures in:

- State wetlands, without a license issued by BPW (or MDE, as MDE is delegated authority to authorize certain activities in State wetlands); or
- private wetlands, without a permit issued by MDE.

### *Dredged Material Management Program and Executive Committee*

The 2001 Dredged Material Management Act established, among other things, the Dredged Material Management Program (DMMP) and the DMMP Executive Committee to provide oversight and guidance over the State's dredging needs through a rolling 20-year capacity/placement plan. DMMP prioritizes beneficial use and innovative reuse as the preferred placement options in Maryland. The work product from DMMP provides planning guidance for the Maryland Port Administration (MPA) to manage dredged material from the shipping channels in the Chesapeake Bay, Baltimore Harbor, and the Chesapeake and Delaware Canal. MPA deposits the dredged material across its [five active dredged material placement sites](#).

### *Maryland Environmental Service*

The Maryland Environmental Service (MES) is an instrumentality of the State and a self-supporting, not-for-profit public corporation that serves State, local, and federal agencies and the private sector through designing, planning, financing, constructing, operating, and monitoring projects for water and wastewater treatment, solid waste management, composting, recycling, dredged material management, hazardous materials cleanup, stormwater services, and renewable energy. MES operates on a fee-for-service basis under contract. As part of its [dredging-related operations](#), MES supports MPA and DMMP.

**Additional Comments:** According to DMMP's [2020 Annual Report](#), MPA completed a CAD pilot project in 2019. MPA and MES further note that MPA is currently working to develop a second CAD pilot project, and the CAD subcommittee of the DMMP's Bay Enhancement Working Group is exploring technical aspects of such a project. MPA advises that it intends to continue evaluating the concept of CAD during the bill's moratorium.

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## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland Environmental Service; Maryland Department of the Environment; Board of Public Works; Maryland Department of Transportation; Department of Legislative Services

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