

# HOUSE BILL 893

M3

(71r0378)

## ENROLLED BILL

— *Environmental Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Delegate James**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Bay Restoration Fund – Wastewater Treatment Facilities Upgrades –**  
3 **Reporting Requirements**

4 FOR the purpose of requiring the Department of the Environment and the  
5 Department of Planning annually to make a certain joint report to certain  
6 persons on or before a certain date regarding the impact of certain upgraded  
7 wastewater treatment facilities on growth, ~~schools, hospitals, and other public~~  
8 ~~facilities~~ in certain ~~municipalities~~; municipalities and counties; requiring the  
9 departments to include in the report certain information and determine, in  
10 consultation with and with the assistance of certain persons, other information

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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.

*Italics indicate opposite chamber / conference committee amendments.*



1 to be included in the report; and generally relating to upgraded wastewater  
2 treatment facilities in the State.

3 BY repealing and reenacting, without amendments,  
4 Article – Environment  
5 Section 9–1605.2(a)  
6 Annotated Code of Maryland  
7 (1996 Replacement Volume and 2006 Supplement)

8 BY adding to  
9 Article – Environment  
10 Section 9–1605.2(k)  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Environment  
15 Section 9–1605.2(k)  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 2006 Supplement)

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

20 **Article – Environment**

21 9–1605.2.

22 (a) (1) There is a Bay Restoration Fund.

23 (2) It is the intent of the General Assembly that the Bay Restoration  
24 Fund be:

25 (i) Used, in part, to provide the funding necessary to upgrade  
26 any of the wastewater treatment facilities that are located in the State or used by  
27 citizens of the State in order to achieve enhanced nutrient removal where it is  
28 cost-effective to do so; and

29 (ii) Available for treatment facilities discharging into the  
30 Atlantic Coastal Bays or other waters of the State, but that priority be given to  
31 treatment facilities discharging into the Chesapeake Bay.

1           (3) The Bay Restoration Fund shall be maintained and administered  
2 by the Administration in accordance with the provisions of this section and any rules  
3 or program directives as the Secretary or the Board may prescribe.

4           (4) There is established a Bay Restoration Fee to be paid by any user  
5 of a wastewater facility, an onsite sewage disposal system, or a holding tank that:

6                   (i) Is located in the State; or

7                   (ii) Serves a Maryland user and is eligible for funding under  
8 this subtitle.

9           **(K) (1) BEGINNING ~~DECEMBER 1, 2008~~ JANUARY 1, 2009, AND EVERY**  
10 **YEAR THEREAFTER, THE DEPARTMENT AND THE DEPARTMENT OF PLANNING**  
11 **SHALL JOINTLY REPORT ON THE IMPACT THAT A WASTEWATER TREATMENT**  
12 **FACILITY THAT WAS UPGRADED TO ENHANCED NUTRIENT REMOVAL DURING**  
13 **THE CALENDAR YEAR BEFORE THE PREVIOUS CALENDAR YEAR WITH FUNDS**  
14 **FROM THE BAY RESTORATION FUND HAD ON:**

15                   **~~(I)~~ GROWTH WITHIN THE MUNICIPALITY OR COUNTY IN**  
16 **WHICH THE WASTEWATER TREATMENT FACILITY IS LOCATED, INCLUDING:**

17                           **~~1. THE NUMBER OF PERMITS ISSUED FOR~~**  
18 **~~RESIDENTIAL AND COMMERCIAL DEVELOPMENT; AND~~**

19                           **~~2. WHETHER THE NUMBER OF PERMITS ISSUED FOR~~**  
20 **~~RESIDENTIAL AND COMMERCIAL DEVELOPMENT HAS INCREASED OR~~**  
21 **~~DECREASED AS A RESULT OF THE UPGRADED WASTEWATER TREATMENT~~**  
22 **~~FACILITY; AND~~**

23                   **~~(H) SCHOOLS, HOSPITALS, AND ANY OTHER PUBLIC~~**  
24 **~~FACILITIES IN THE MUNICIPALITY IN WHICH THE WASTEWATER TREATMENT~~**  
25 **~~FACILITY IS LOCATED.~~**

26                   **~~(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS~~**  
27 **~~SUBSECTION SHALL ALSO CONTAIN THE MUNICIPALITY'S PLAN, IF ANY, FOR~~**  
28 **~~ACCOMMODATING ADDITIONAL GROWTH AS A RESULT OF THE UPGRADED~~**  
29 **~~WASTEWATER TREATMENT FACILITY.~~**

1           **(2) (I) IN PREPARING THE REPORT REQUIRED UNDER**  
2 **PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF THE**  
3 **ENVIRONMENT AND THE DEPARTMENT OF PLANNING SHALL:**

4                   **1. INCLUDE THE NUMBER OF PERMITS ISSUED FOR**  
5 **RESIDENTIAL AND COMMERCIAL DEVELOPMENT TO BE SERVED BY THE**  
6 **UPGRADED WASTEWATER TREATMENT FACILITY; AND**

7                   **2. DETERMINE WHAT OTHER APPROPRIATE**  
8 **INFORMATION IS TO BE INCLUDED IN THE REPORT.**

9                   **(II) IN DETERMINING THE INFORMATION THAT SHOULD BE**  
10 **INCLUDED IN THE REPORT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH,**  
11 **THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF**  
12 **PLANNING SHALL ACT:**

13                   **1. IN CONSULTATION WITH THE BAY RESTORATION**  
14 **FUND ADVISORY COMMITTEE; AND**

15                   **2. WITH THE ASSISTANCE OF THE MUNICIPALITY**  
16 **AND COUNTY IN WHICH AN UPGRADED WASTEWATER TREATMENT FACILITY IS**  
17 **LOCATED.**

18           **(3) THE DEPARTMENT AND THE DEPARTMENT OF PLANNING**  
19 **SHALL SUBMIT THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**  
20 **SUBSECTION TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE**  
21 **HOUSE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE**  
22 **EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE**  
23 **HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE ENVIRONMENTAL**  
24 **MATTERS COMMITTEE, AND THE GOVERNOR, IN ACCORDANCE WITH § 2-1246**  
25 **OF THE STATE GOVERNMENT ARTICLE.**

26           [(k)] (L) The Department shall adopt regulations that are necessary or  
27 appropriate to carry out the provisions of this section.

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2007.