

HOUSE BILL 532

M3

11r1855

By: **Delegate Clagett**

Introduced and read first time: February 8, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Bay Restoration Fund – Fee Exemption**

3 FOR the purpose of providing that a certain user of a wastewater facility is exempt
4 from paying a Bay Restoration Fee under a certain circumstance; and generally
5 relating to the Bay Restoration Fund.

6 BY repealing and reenacting, without amendments,
7 Article – Environment
8 Section 9–1605.2(a)
9 Annotated Code of Maryland
10 (2007 Replacement Volume and 2010 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 9–1605.2(c)
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2010 Supplement)

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

18 **Article – Environment**

19 9–1605.2.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

13 (i) Is located in the State; or

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

16 (c) A user of a wastewater facility is exempt from paying the restoration fee
17 if:

18 (1) (i) 1. The user's wastewater facility's average annual
19 effluent nitrogen and phosphorus concentrations, as reported in the facility's State
20 discharge monitoring reports for the previous calendar year, demonstrate that the
21 facility is achieving enhanced nutrient removal, as defined under § 9-1601(m) of this
22 subtitle; or

23 2. The Department has determined that the wastewater
24 facility does not discharge nitrogen or phosphorus and is not required to monitor for
25 nitrogen or phosphorus in its discharge permit; and

26 (ii) The user's wastewater facility has not received a State or
27 federal grant for that facility;

28 (2) (i) The user's wastewater facility discharges to groundwater
29 and the annual average nutrient concentrations in the wastewater prior to discharge
30 to groundwater have not exceeded 3 milligrams per liter total nitrogen and 0.3
31 milligrams per liter total phosphorus, as demonstrated by analysis of the groundwater
32 from monitoring wells located on the property and as reported in discharge monitoring
33 reports for the previous calendar year; and

34 (ii) The user's wastewater facility has not received a federal or
35 State grant for that facility; [or]

1 (3) The Department determines that:

2 (i) The user's wastewater facility discharges noncontact cooling
3 water, water from dewatering operations, or reclaimed wastewater from a facility
4 whose users pay in to the Fund; and

5 (ii) The discharge does not result in a net increase in loading of
6 nutrients compared to the intake water; **OR**

7 **(4) (I) THE USER'S WASTEWATER FACILITY HAS RECEIVED A**
8 **GRANT FROM THE FUND; AND**

9 **(II) THE USERS OF THE WASTEWATER FACILITY HAVE**
10 **COLLECTIVELY CONTRIBUTED AN AMOUNT IN FEES EQUAL TO THE GRANT**
11 **AMOUNT.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2011.