

SENATE BILL 133

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5lr1328
CF HB 156

By: **Senator Edwards**

Introduced and read first time: January 28, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2015

CHAPTER _____

1 AN ACT concerning

2 **Environment – Bay Restoration Fund – Use of Funds**

3 FOR the purpose of authorizing funds in the Bay Restoration Fund, in certain fiscal years,
4 to be used to pay a certain percentage of the total cost of projects relating to combined
5 sewer overflows abatement, rehabilitation of existing sewers, and upgrading certain
6 conveyance systems; adding certain funding to an order of priority for certain
7 projects funded by the Bay Restoration Fund in certain fiscal years; and generally
8 relating to the use of funds in the Bay Restoration Fund.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 9–1605.2(i)(2)
12 Annotated Code of Maryland
13 (2014 Replacement Volume)

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

16 **Article – Environment**

17 9–1605.2.

18 (i) (2) Funds in the Bay Restoration Fund shall be used only:

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 (i) To award grants for up to 100% of eligible costs of projects
 2 relating to planning, design, construction, and upgrade of a wastewater facility for flows up
 3 to the design capacity of the wastewater facility, as approved by the Department, to achieve
 4 enhanced nutrient removal in accordance with paragraph (3) of this subsection;

5 (ii) 1. In fiscal years [2005 through 2009, inclusive,] **2016 AND**
 6 **THEREAFTER**, for [a portion] **UP TO 87.5%** of the [costs] **TOTAL COST** of projects, AS
 7 APPROVED BY THE DEPARTMENT, relating to combined sewer overflows abatement,
 8 rehabilitation of existing sewers, and upgrading conveyance systems, including pumping
 9 stations[, not to exceed an annual total of \$5,000,000];

10 2. In fiscal years 2010 and thereafter, for a portion of the
 11 operation and maintenance costs related to the enhanced nutrient removal technology,
 12 which may not exceed 10% of the total restoration fee collected from users of wastewater
 13 facilities under this section by the Comptroller annually; **AND**

14 3. In fiscal years 2018 and thereafter, after payment of
 15 outstanding bonds and the allocation of funds to other required uses of the Bay Restoration
 16 Fund for funding in the following order of priority:

17 A. For funding an upgrade of a wastewater facility to
 18 enhanced nutrient removal at wastewater facilities with a design capacity of 500,000
 19 gallons or more per day;

20 B. For funding for the most cost-effective enhanced nutrient
 21 removal upgrades at wastewater facilities with a design capacity of less than 500,000
 22 gallons per day;

23 **C. FOR COSTS IDENTIFIED UNDER ITEM 1 OF THIS ITEM;**

24 ~~€~~ **D.** For costs identified under subsection (h)(2)(i)1 of
 25 this section; and

26 ~~D.~~ **E.** With respect to a local government that has enacted
 27 and implemented a system of charges under § 4-204 of this article to fully fund the
 28 implementation of a stormwater management program, for grants to the local government
 29 for a portion of the costs of the most cost-effective and efficient stormwater control
 30 measures, as determined and approved by the Department, from the restoration fees
 31 collected annually by the Comptroller from users of wastewater facilities under this section;

32 (iii) As a source of revenue or security for the payment of principal
 33 and interest on bonds issued by the Administration if the proceeds of the sale of the bonds
 34 will be deposited in the Bay Restoration Fund;

35 (iv) To earn interest on Bay Restoration Fund accounts;

1 (v) For the reasonable costs of administering the Bay Restoration
2 Fund, which may not exceed 1.5% of the total restoration fees imposed on users of
3 wastewater facilities that are collected by the Comptroller annually;

4 (vi) For the reasonable administrative costs incurred by a local
5 government or a billing authority for a water or wastewater facility collecting the
6 restoration fees, in an amount not to exceed 5% of the total restoration fees collected by
7 that local government or billing authority;

8 (vii) For future upgrades of wastewater facilities to achieve additional
9 nutrient removal or water quality improvement, in accordance with paragraphs (6) and (7)
10 of this subsection;

11 (viii) For costs associated with the issuance of bonds; and

12 (ix) Subject to the allocation of funds and the conditions under
13 subsection (h) of this section, for projects related to the removal of nitrogen from on-site
14 sewage disposal systems and cover crop activities.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.