

# SENATE BILL 343

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CF HB 384

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By: **Senators Eckardt, Ready, Serafini, and Waugh**

Introduced and read first time: January 25, 2017

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Bay Restoration Fund – Eligible Costs – Expansion**

3 FOR the purpose of altering the definition of “eligible costs” as it relates to projects that  
4 receive funding from the Bay Restoration Fund to include any wastewater facility  
5 upgrade to enhanced nutrient removal, as determined by the Department of the  
6 Environment; and generally relating to the Bay Restoration Fund.

7 BY repealing and reenacting, with amendments,

8 Article – Environment

9 Section 9–1605.2(i)(1)

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Environment

14 Section 9–1605.2(i)(2)

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Environment**

20 9–1605.2.

21 (i) (1) In this subsection, “eligible costs” means the additional costs that would  
22 be attributable to upgrading a wastewater facility [from biological nutrient removal] to  
23 enhanced nutrient removal, as determined by the Department.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 (ii) In fiscal years 2016 and thereafter, for up to 87.5% of the total  
7 cost of projects, as approved by the Department, relating to combined sewer overflows  
8 abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including  
9 pumping stations;

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

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

17 1. 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 2. 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; and

23 3. As determined by the Department and based on water  
24 quality and public health benefits, for the following:

25 A. For costs identified under item (ii) of this paragraph;

26 B. For costs identified under subsection (h)(2)(i)1 of this  
27 section; and

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

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

1 (vi) To earn interest on Bay Restoration Fund accounts;

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

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

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

12 (x) For costs associated with the issuance of bonds;

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

16 (xii) For costs associated with the implementation of alternate  
17 compliance plans authorized in § 4-202.1(k)(3) of this article.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
19 1, 2017.