

SENATE BILL 1190

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7lr3794

By: **Senators Eckardt and Serafini**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 14, 2017

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 17, 2017

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2017

CHAPTER _____

1 AN ACT concerning

2 **Bay Restoration Fund – Upgraded ~~Municipal~~ Wastewater Facilities – Grants to**
3 **Counties and Municipalities**

4 FOR the purpose of authorizing the Department of the Environment to use ~~certain~~ funds
5 from the Bay Restoration Fund to provide grants to a county or municipality that
6 upgraded a ~~municipal~~ wastewater facility to enhanced nutrient removal before a
7 certain date under certain circumstances; specifying the total amount of the grants
8 that may be awarded under this Act; specifying that the grants awarded under this
9 Act be provided on a certain basis; providing for the termination of this Act; and
10 generally relating to the use of the Bay Restoration Fund.

11 ~~BY repealing and reenacting, without amendments,~~
12 ~~Article – Environment~~
13 ~~Section 9 – 1605.2(h)(2)(i)~~
14 ~~Annotated Code of Maryland~~
15 ~~(2014 Replacement Volume and 2016 Supplement)~~

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

18 ~~Article – Environment~~

19 ~~9 – 1605.2.~~

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 (h) (2) ~~The Comptroller shall:~~

2 (i) ~~Deposit 60% of the funds in the separate account to be used for:~~

3 1. ~~Subject to paragraphs (3), (4), (5), and (6) of this~~
4 ~~subsection, with priority first given to failing systems and holding tanks located in the~~
5 ~~Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the~~
6 ~~Department determines are a threat to public health or water quality, grants or loans for~~
7 ~~up to 100% of:~~

8 A. ~~The costs attributable to upgrading an on-site sewage~~
9 ~~disposal system to the best available technology for the removal of nitrogen;~~

10 B. ~~The cost difference between a conventional on-site sewage~~
11 ~~disposal system and a system that utilizes the best available technology for the removal of~~
12 ~~nitrogen;~~

13 C. ~~The cost of repairing or replacing a failing on-site sewage~~
14 ~~disposal system with a system that uses the best available technology for nitrogen removal;~~

15 D. ~~The cost, up to the sum of the costs authorized under item~~
16 ~~B of this item for each individual system, of replacing multiple on-site sewage disposal~~
17 ~~systems located in the same community with a new community sewerage system that is~~
18 ~~owned by a local government and that meets enhanced nutrient removal standards; or~~

19 E. ~~The cost, up to the sum of the costs authorized under item~~
20 ~~C of this item for each individual system, of connecting a property using an on-site sewage~~
21 ~~disposal system to an existing municipal wastewater facility that is achieving enhanced~~
22 ~~nutrient removal or biological nutrient removal level treatment, including payment of the~~
23 ~~principal, but not interest, of debt issued by a local government for such connection costs;~~

24 2. ~~The reasonable costs of the Department, not to exceed 8%~~
25 ~~of the funds deposited into the separate account, to:~~

26 A. ~~Implement an education, outreach, and upgrade program~~
27 ~~to advise owners of on-site sewage disposal systems and holding tanks on the proper~~
28 ~~maintenance of the systems and tanks and the availability of grants and loans under item~~
29 ~~1 of this item;~~

30 B. ~~Review and approve the design and construction of on-site~~
31 ~~sewage disposal system or holding tank upgrades;~~

32 C. ~~Issue grants or loans as provided under item 1 of this item;~~
33 ~~and~~

~~D. Provide technical support for owners of upgraded on-site sewage disposal systems or holding tanks to operate and maintain the upgraded systems;~~

~~3. A portion of the reasonable costs of a local public entity that has been delegated by the Department under § 1-301(b) of this article to administer and enforce environmental laws, not to exceed 10% of the funds deposited into the separate account, to implement regulations adopted by the Department for on-site sewage disposal systems that utilize the best available technology for the removal of nitrogen; and~~

~~4. Subject to paragraph (7) of this subsection, financial assistance to low-income homeowners, as defined by the Department, for up to 50% of the cost of an operation and maintenance contract of up to 5 years for an on-site sewage disposal system that utilizes nitrogen removal technology; and~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding~~

~~(a) Notwithstanding any other provision of law, the Department of the Environment may use funds from the Bay Restoration Fund that are deposited into the account under § 9-1605.2(h)(2)(i) of the Environment Article to award a grant of up to \$2,000,000 to a county or municipality that upgraded a municipal wastewater facility to enhanced nutrient removal before July 1, 2013, if:~~

~~(1) the county or municipality did not receive a grant for the upgrade from the Bay Restoration Fund; and~~

~~(2) the customers of the wastewater facility pay the Bay Restoration Fee.~~

~~(b) The Department of the Environment may award up to \$2,000,000 in grants under this section on a first-come, first-served basis.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017. It shall remain effective for a period of 2 years and, at the end of September 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.