

SENATE BILL 1190

M3

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

A BILL ENTITLED

1 AN ACT concerning

2 **Bay Restoration Fund – Upgraded Municipal Wastewater Facilities – Grants**

3 FOR the purpose of authorizing the Department of the Environment to use certain funds
4 from the Bay Restoration Fund to provide grants to a municipality that upgraded a
5 municipal wastewater facility to enhanced nutrient removal before a certain date
6 under certain circumstances; providing for the termination of this Act; and generally
7 relating to the use of the Bay Restoration Fund.

8 BY repealing and reenacting, without amendments,

9 Article – Environment

10 Section 9–1605.2(h)(2)(i)

11 Annotated Code of Maryland

12 (2014 Replacement Volume and 2016 Supplement)

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

14 That the Laws of Maryland read as follows:

15 **Article – Environment**

16 9–1605.2.

17 (h) (2) The Comptroller shall:

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 B. The cost difference between a conventional on-site sewage
4 disposal system and a system that utilizes the best available technology for the removal of
5 nitrogen;

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

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

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

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

19 A. Implement an education, outreach, and upgrade program
20 to advise owners of on-site sewage disposal systems and holding tanks on the proper
21 maintenance of the systems and tanks and the availability of grants and loans under item
22 1 of this item;

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

25 C. Issue grants or loans as provided under item 1 of this item;
26 and

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

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

34 4. Subject to paragraph (7) of this subsection, financial
35 assistance to low-income homeowners, as defined by the Department, for up to 50% of the

1 cost of an operation and maintenance contract of up to 5 years for an on-site sewage
2 disposal system that utilizes nitrogen removal technology; and

3 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other
4 provision of law, the Department of the Environment may use funds from the Bay
5 Restoration Fund that are deposited into the account under § 9-1605.2(h)(2)(i) of the
6 Environment Article to award a grant of up to \$2,000,000 to a municipality that upgraded
7 a municipal wastewater facility to enhanced nutrient removal before July 1, 2013, if:

8 (1) the municipality did not receive a grant for the upgrade from the Bay
9 Restoration Fund; and

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2017. It shall remain effective for a period of 2 years and, at the end of
13 September 30, 2019, with no further action required by the General Assembly, this Act
14 shall be abrogated and of no further force and effect.