

# SENATE BILL 922

M3

9lr3207  
CF HB 1106

---

By: **Senators Simonaire, Astle, DeGrange, and Greenip**

Introduced and read first time: February 16, 2009

Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Bay Restoration Fund – Septic Systems – Nitrogen Removal Projects**

3 FOR the purpose of prohibiting a certain local government from prohibiting a certain  
4 homeowner that receives certain grant funding for certain projects related to  
5 the removal of nitrogen from onsite sewage disposal systems from placing an  
6 addition or accessory structure on the homeowner’s dwelling unit; and generally  
7 relating to grant funding for projects related to the removal of nitrogen from  
8 onsite sewage disposal systems.

9 BY repealing and reenacting, without amendments,  
10 Article – Environment  
11 Section 9–1605.2(i)(1) and (2)  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2008 Supplement)

14 BY adding to  
15 Article – Environment  
16 Section 9–1605.2(i)(10)  
17 Annotated Code of Maryland  
18 (2007 Replacement Volume and 2008 Supplement)

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

21 **Article – Environment**

22 9–1605.2.

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

---

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  
4 flows up to the design capacity of the wastewater facility, as approved by the  
5 Department, to achieve enhanced nutrient removal in accordance with paragraph (3)  
6 of this subsection;

7                   (ii) 1. In fiscal years 2005 through 2009, inclusive, for a  
8 portion of the costs of projects relating to combined sewer overflows abatement,  
9 rehabilitation of existing sewers, and upgrading conveyance systems, including  
10 pumping stations, not to exceed an annual total of \$5,000,000; and

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

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

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

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

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

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

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

30                   (ix) Subject to the allocation of funds and the conditions under  
31 subsection (h) of this section, for projects related to the removal of nitrogen from onsite  
32 sewage disposal systems and cover crop activities.

33                   **(10) (I) THIS PARAGRAPH APPLIES TO A LOCAL GOVERNMENT**  
34 **THAT HAS RECEIVED APPROVAL FROM THE DEPARTMENT TO AWARD GRANTS,**  
35 **THAT ARE AUTHORIZED UNDER THIS SECTION, TO HOMEOWNERS FOR PROJECTS**

1 RELATED TO THE REMOVAL OF NITROGEN FROM ONSITE SEWAGE DISPOSAL  
2 SYSTEMS.

3 (II) A LOCAL GOVERNMENT MAY NOT PROHIBIT A  
4 HOMEOWNER THAT RECEIVES GRANT FUNDING FOR A PROJECT RELATED TO  
5 THE REMOVAL OF NITROGEN FROM ONSITE SEWAGE DISPOSAL SYSTEMS FROM  
6 PLACING AN ADDITION OR ACCESSORY STRUCTURE ON THE HOMEOWNER'S  
7 DWELLING UNIT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2009.