

STATE OF MARYLAND

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

**Shari T. Wilson, Secretary**

**BILL NO:** House Bill 313

**COMMITTEE:** Environmental Matters

**POSITION:** Support with Amendment

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**TITLE:** Environment - Bay Restoration Fund - Authorized Uses

**BILL ANALYSIS:** This bill authorizes the use of certain fees collected for the Bay Restoration Fund to be used under certain circumstances to connect a property with an onsite sewage disposal system to an existing wastewater facility that is achieving enhanced nutrient removal levels.

HB 313 would allow Bay Restoration Funds (BRF) to be used to connect properties using individual onsite sewage disposal systems (septic system) to an existing municipal wastewater facility that is also achieving enhanced nutrient removal level treatment.

Funding for connection to a wastewater facility may only be provided if:

- The environmental impact of the septic system is documented, and
- It can be demonstrated that connection to the wastewater facility is more cost effective for nitrogen removal than upgrading the septic system or replacement of the septic system is not feasible, and
- The project is consistent with the county's comprehensive plan and water and sewer master plan, and
- The septic system was installed prior to October 1, 2008 and the property it serves is located in a priority funding area (PFA).

This bill limits the amount of BRF funding that could be provided to offset the cost of connecting an individual property to an existing wastewater treatment plant to no more than the cost of upgrading an individual septic system to nitrogen removing technology.

**POSITION AND RATIONALE:** The Maryland Department of the Environment supports House Bill 313 with the amendment proposed by the Maryland Department of Planning. The Chesapeake Bay Program estimates that approximately 7% percent of the nitrogen load to the Chesapeake Bay from Maryland comes from onsite sewage disposal systems (septic) systems. In the effort to accelerate Bay restoration, reducing the nitrogen load from septic systems is critical. Maryland's Chesapeake Bay Tributary Strategy Implementation Plan would require nutrient removal technology to be in place for all existing, new and replacement systems in order for Maryland to meet its nutrient reduction goals for the Bay.

Through moneys provided by the BRF, MDE administers a grant program that can pay the homeowner's cost of upgrading an onsite sewage disposal system with best available technology (BAT) to remove nitrogen. Revenue in the BRF for this purpose results from the \$30 annual fee levied by Counties on septic system owners. The revenue from this fund is sufficient to upgrade approximately 600 systems per year based on current costs.

The Department believes that, in certain circumstances, the discharge of nitrogen into the Chesapeake Bay and its tributaries from communities with septic systems can be more cost effectively addressed by replacing on-site sewage disposal systems with sewer service to existing wastewater treatment facilities that have enhanced nutrient removal technology in place.

The Department, therefore, supports HB 313, as amended, as a measure that will increase the cost-effectiveness of the BRF program overall, and potentially accelerate the restoration of the Chesapeake Bay.

**FOR MORE INFORMATION,**  
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BY: The Maryland Department of the Environment

AMENDMENT TO HOUSE BILL 313  
(First Reading File Bill)

AMENDMENT NO. 1

On page 5, in line 4, strike “AND”

On page 5, in line 8, after “ARTICLE” insert “; AND  
5. THE RECIPIENT OF BAY RESTORATION FUNDS UNDER  
PARAGRAPH (2)(I)1.E. OF THIS SUBSECTION HAS TAKEN  
ADEQUATE STEPS TO GUARANTEE THAT ANY FUTURE  
CONNECTION TO THE FACILITY CONSTRUCTED WITH  
FUNDING UNDER THIS SECTION SHALL MEET ALL OF THE  
REQUIREMENTS SET FURTHER IN PARAGRAPH (3)(III) OF THIS  
SUBSECTION.”