

BAY RESTORATION FUND ADVISORY COMMITTEE

Maryland Department of the Environment

Thursday, April 11, 2024 · 1:00 – 3:00pm

Video call link: <https://meet.google.com/jwa-nrkv-gwh>

Or dial: (US) +1 732-630-8150 PIN: 709 210 857#

And Remain Muted Unless Speaking

Meeting Agenda

- Introduction – Chris Murphy, Committee Chairman
- Approve previous meeting minutes – Chris Murphy, Committee Chairman
- Update on Maryland Nutrient Success Story - Kathy Stecker, MDE
- Update on Major and Minor WWTPs ENR Implementation – Walid Saffouri, MDE
- Advisory Committee Annual Report - Walid Saffouri, MDE
- Update on Cover Crops Activities – Jason Keppler, MDA
- Update on Onsite Sewage Disposal Systems (OSDS) – Jeffrey Fretwell, MDE
- Update on BRF Fee Collection and Budget – Jeffrey Fretwell, MDE
- Update on Legislative Session - Jeffrey Fretwell, MDE
- Next meetings and other administrative issues to be discussed with the committee – Chris Murphy, Committee Chairman
- 2024 Next Pre-Scheduled Meetings: July 11th
October 10th
December 12th
- ADJOURNMENT

BAY RESTORATION FUND ADVISORY COMMITTEE

Maryland Department of the Environment

Virtual Meeting

December 14, 2023

Meeting Minutes

Welcome/Introduction

- The meeting was opened by Mr. Murphy, the Chairman of the Bay Restoration Fund Advisory Committee.
- Mr. Murphy welcomed the committee members and other attendees.

Review of Meeting Minutes

- Previous meeting minutes, from the October 12, 2023 meeting, were shared with the committee members for their review and comments. An electronic copy of the meeting minutes was also e-mailed to the committee members prior to the meeting.
- Mr. Murphy asked if anyone had any questions, comments, or a motion to approve. The minutes were approved, and they will be posted on the web.

Discussion

I. Maryland Nutrient Success Story:

- Ms. Stecker provided an update on the Nutrient Success Stories project. Ms. Stecker reminded the committee that the BRF has been selected as a national nutrient success story by the New England Interstate Water Pollution Control Commission (NEIWPCC), which has a contract with EPA to highlight these success stories. The prizes that we won are communication products. The project is somewhat delayed, but we hope that it will be finalized just in time for the BRF 20th anniversary. The podcast of Walid Saffouri, Cheryl Lewis, and Bob Summers interviews is being edited and will be issued soon. Also, the NEIWPCC has started working on the BRF story map. They already have MDA's cover crop video that they're going to include, and they are getting some good photos from Easton. Ms. Stecker asked everyone to share any videos or photos they have that describe the nutrient pollution such as algae blooms. The NEIWPCC also asked for a photos or videos of the Chesapeake Bay, septic tank BAT upgrades, and cover crops. Ms. Stecker presented to the committee an example of a NEIWPCC story map.

- Mr. Murphy asked if Ms. Stecker can share with committee a list of what is needed for this project in terms of photos and videos. Ms. Stecker responded that she will send the list to Mr. Saffouri, who could share it with the committee.
- Mr. Ball suggested the Chesapeake Bay Program's website may have many items that can be used for this project. Ms. Stecker agreed.

II. Update on Back River and Patapsco Consent Decree:

- Mr. Gosden advised the committee that the Back River and Patapsco Consent Decree was signed by the City, MDE, Blue Water Baltimore on October 31st, and then approved by the City's Board of Estimates, on November 15th. So, at this point it's been fully executed. The consent decree may still need to be accepted by the Circuit Court. In the meantime, the plants are now and have been for a while operating at ENR levels for all the nutrients and TSS and have been coming along very well. MDE has been conducting monthly inspection for approximately two years and monitoring the improvements being made at the plants. The consent decree focused on transparency issues. Under the Consent Decree, both the facilities need to post signs to identify their outfalls. Also, they need to have lights that illuminate to alert the public when they're having a bypass, and the discharge may not be fully treated. The plants will also be required to provide quarterly reports that will be posted on the website. In addition, they will be required to have a public meeting every year. Engineering evaluations will need to be done for both plants and updated on an annual basis to show that they're still making progress. The other big piece of this consent decree is having large Supplemental Environmental Project (SEP) done in partnership with the Chesapeake Bay Trust. Baltimore City will be making payments into the Chesapeake Bay Trust, which will then be administering a grant program for projects that will improve the water quality and the watersheds for the two wastewater treatment plants.
- Mr. Myers asked about the biosolid explosion at Patapsco WWTP, and about the timing of the grant RFP from Chesapeake Bay Trust under the SEP. Mr. Gosden responded that the explosion was at Back River WWTP due to an issue related to Synagro palletizer, which is currently offline and undergoing major upgrades. In the meantime, Back River WWTP currently has some additional portable centrifuges to handle the sludge dewatering. Patapsco had different issues with their biosolids, which have been addressed, and currently they no longer have any backlog of biosolids. They have gotten their reactors cleaned out and are being able to keep up with their biosolids processing. As for the second question regarding the timing on the grants by Chesapeake Bay Trust, Mr. Gosden responded that he didn't know when the solicitation will commence.
- Ms. Allen asked when Patapsco and Back River WWTPs started meeting their ENR goals. Mr. Gosden responded that both plants are currently operating at ENR levels. The last exceedance for Back River was in April. They had a very minor phosphorus limit exceedance. Mr. Gosden stated that he wasn't sure when Patapsco started meeting the ENR goals.

- Ms. Lewis asked whether the engineering reports mentioned earlier would be posted on the website as part of the transparency. Mr. Gosden responded that MDE and the City have websites for the consent decree where the engineering report will likely be posted.
- Mr. Murphy asked if there any report on what went wrong. Mr. Gosden responded that there was a report by MES done for Back River. Also, there was the two Greeley and Hansen reports done for both plants. The reports don't get into the specifics of the cause. However, the reports showed how important solids handling and getting them moved out of the system quickly is. Both plants got behind on their solids handling and ran into issues there. As the solids moved into other parts of the plant, they impacted the performance through everything.
- Mr. Myers stated that the BRF Advisory Committee may need to consider the lessons learned on when requests are being made to the BRF for O&M money, for example. That could matter for a large plant where huge investments have been made by the state but for that investment in O&M they would have continued to operate.
- Mr. Ball added that it would be extremely useful for the committee to have a chance to look at those reports. Mr. Gosden responded that he will try to post the reports on MDE webpage.
- Mr. Bozick stated that he would like to express on behalf of design engineers how heartbreaking and disappointing it is to the engineering profession to see treatment plants end up in this situation. If there's any lesson learned for engineers, it would behoove us to learn from that and police our own and make sure we don't let that happen again. The point was very well taken about the issue of the solids impacting the quality of the effluent. There's a general saying that engineers go by is that when you build a treatment plant, 50 percent of the cost is for liquid treatment and 50 percent of the cost is for solids treatment as a rule of thumb. But, when it comes to O&M, 10 percent of the O&M goes to liquid and 90 percent of the O&M goes to solids.

III. Update on Major and Minor WWTPs ENR Implementation:

- Mr. Saffouri provided an update on major and minor WWTPs. There have been no changes in the status for major WWTPs since the last meeting. Princess Anne in Somerset County will be in planning for a while because they're running a pilot study for a new technology, which will be at least one year to complete. Westminster in Carrol County construction has not progressed and remained at 94%, which is normal at final stages of construction.
- More activities occurred on the minor WWTPs side. Manchester and the College of Southern Maryland have progressed from planning to design, Elk Neck State Park has progressed to construction, and Harbour View has completed the construction and is in the ENR operation. Projects that are under construction continue to progress without any major issues. Mr. Saffouri reminded the committee that there is a gap between the reported and actual construction progress, which can be more than the reported.

- Mr. Bozick agreed and offered to provide an update on the construction progress of Smith Island. The actual construction completion is over 25% (more than the reported 22%). For the standpoint of time, about 50% of the construction contractual time has passed. The construction progress should catch up with the contractual construction time and the plant is expected to be in ENR operation by the end 2024. Mr. Bozick also presented pictures of the construction progress, which has been challenging due to the plant's location on the island.
- Mr. Murphy asked about how the conveyance in Smith Island system was designed and how I&I (infiltration and inflow) was controlled, given the frequent flooding events on the island. Mr. Bozick responded that the service area consisted of three communities, Tylerton, Rhodes Point, and Ewell. Their collection systems consist of gravity sewer. They each have a pump station and each pump station pumps about 80 gallons per minute through a force main to the treatment plant. All the manholes have inserts as the streets flood on a regular basis. We don't have any worry about sewer surcharging because the sea water and the high tides keep the manholes down. The biggest issue with inflow is clean-outs, which allow inflows of a substantial amount of water. The pumping stations can stay on for 24 hours continuously and produce over 200,000 gallons a day. The plant has nominal design rating of 40,000 gallons a day. The dry weather flow is in the range of 25,000 gallons per day. This represents significant wet weather inflow, which is part of the reason why we have 40,000 gallons of flow equalization tanks. Also, we're going to have two more of these tanks on the back end for post-equalization to provide shellfish protection.

IV. Advisory Committee Annual Report:

- Mr. Saffouri presented the Annual Report for the committee's review and comments. An electronic copy of the full report was previously e-mailed to the committee members. If approved by the committee, the report will be submitted to the Office of the Secretary for their review. Mr. Saffouri will advise the committee if the review resulted in substantial changes.
- Mr. Murphy asked whether the committee members needed additional time to review the report, or they would vote to move it forward today. Mr. Ball suggested that an appendix should be added in the future to explain all the acronyms used in the report. Ms. Allen suggested to the committee to approve the report for submission. She sent comments in advance and Mr. Saffouri had answered all the substantive questions she had on the report. The report was approved by the committee.

V. Update on Cover Crops Activities:

- Mr. Keppler provided an update on the Cover Crops Program. This has been a good year for cover crops. MDA has been able to fall certify 443,000 acres. We still have some more that are outstanding so hopefully we'll get closer to the 450 mark. Just to put in perspective, last year we certified only 397,000 acres in the fall. In 2021 we were at 435,000 range. So, in the past three years this is the highest number that we've had. Weather certainly contributed to the successful planting of cover crops as well as some of our incentive packages that we're offering. Farmers

have the option to elect for the reduced fall payment of about \$35 per acre. We've had 275 applicants so far that have chosen to participate with that fall payment. That represents \$3.1 million that have been paid out using the Chesapeake and Atlantic Coastal Bays Trust Fund, which is used first before start using the BRF.

VI. Update on Onsite Sewage Disposal Systems (OSDS):

- Mr. Fretwell provided an update on Onsite Sewage Disposal Systems (OSDS) upgrades and connections to public sewer. Mr. Fretwell presented the FY24 upgrades and connections that have taken place and invoiced to MDE between July 1, 2023, and December 12, 2023. There have been 176 BAT systems and 15 sewer connections funded thus far in FY24. These are very similar to where we've been in previous years. The overall program is continuing at its normal pace. MDE is working on the BRF septic round two funding to go to the Board of Public Works on January 3rd. We received responses from all the counties for the additional funding. We have \$2.3 million in additional funds that were reverted from FY23. MDE will be releasing the BAT system pricing invitation for bids for FY25 through '27 in the next month or two. This will set the BAT system reimbursement rates by county for all the systems for the next three fiscal years.
- Mr. Myers introduced Ms. Schmidt-Perkins to the committee. She had some information to share on septic systems in Maryland. Ms. Schmidt-Perkins stated that for more than a decade, MDE has been reporting the same number of 450,000 septic systems in Maryland. However, how can we get an accurate count? The second issue is that Matt Johnson, from Arundel Rivers, did some calculations in a number of counties. The nitrogen load from septic systems is significantly higher than nitrogen loads from wastewater treatment plants. Sometimes it's a magnitude of 100% or 1,000% higher. We are very interested in figuring out how we can get more septic upgrades by increasing the funding for these upgrades without sacrificing cover crops, which use 40% of the BRF-Septic fund. Mr. Myers added that the data gives a good template for looking at certain geographies where there is this mismatch between the investments and the progress being made. This could result in legislation this year or not, and he wanted to bring it to the attention of the BRFAC.
- Mr. Murphy and Mr. Fretwell asked whether Mr. Myers could share Mr. Johnson's calculations with the committee. Mr. Murphy added that Anne Arundel has been working with two options, BAT upgrades or septic to sewer connections. The septic to sewer connections option is very difficult and expensive, and for many people it is competing against zero cost option of keeping their septic systems. Also, many people are concerned that public sewer could promote growth. Mr. Myers responded regarding the request to share the calculations. He said that he had sent them to Mr. Saffouri who can share them with committee.

VII. Update on BRF Fee Collection and Budget:

- Mr. Jeff Fretwell provided the update on the BRF Fee Collection and Budget using the most recent report from the Comptroller's Office that was received in October. The report shows the first quarter of FY24 revenues of \$28.3 million for the wastewater fund. There is another \$2.3 million in wastewater revenue that was posted in the last week for November, but it was not included in the report. Technically this amount is part of the first quarter revenue that got submitted late, which would bring our total for the first quarter to \$30.6 million, which is still lower than FY23 (\$35.2 million) and FY21 (\$34.3 million) first quarter revenues. Please note that FY22 is the unusual year when we had only \$19.1 million in first quarter revenues. As for the septic revenues, so far for FY24 we have \$16.65 million, of which \$9.99 million is for septic upgrades and \$6.66 million for cover crops. These numbers are very typical.
- Ms. Allen asked whether we should be concerned about the wastewater revenues or whether it was too soon to say. Mr. Fretwell responded that it was too soon to say, but MDE will continue to monitor the revenues and will keep the committee updated.

VIII. Other Discussions:

- Mr. Murphy asked whether MDE was planning on any new legislation that may affect the BRF. Mr. Fretwell responded that he was not aware of any.
- Mr. Ball reminded the committee of the upcoming 40th anniversary of the Chesapeake Bay Program.
- Mr. Murphy asked whether the recently published CESR (Comprehensive Evaluation of System Response) report suggests any changes to the Bay Program. Mr. Ball responded that the report did not offer many specifics. It really points out the need for efficiencies and thinking hard about where the money can be best spent as was pointed out in the earlier presentation by Ms. Schmidt-Perkins. Also, the report mentioned that some agriculture is much more productive than others. Mr. Myers added that the Chesapeake Bay Foundation was getting lots of positive reinforcement from its conversations with the administration, who would like to use the recommendations of CESR. So, at least within Maryland the agencies will be getting some marching orders to try to apply optimization tools, whether it will be geographic or other ways to optimize investments. Also, in addition to trying to meet the TMDL for deep water, we need to consider shallower basins within the Bay that might be more responsive to load reductions of nitrogen, phosphorus, and sediment in a shorter time period so that we can build on those successes. This approach might look at that geography to find some areas that are more shallow, have more living resources close to people where we can see the benefits accrue earlier. Mr. Ball added that the shallow water discussion is very important because it also goes up into the tributaries and riverways that also have TMDL requirements in addition to the Bay.

- IX.** Mr. Murphy reminded the Committee members that the next meeting will be held on April 11, 2024. He also mentioned the other pre-scheduled meetings for 2024 and asked whether anyone had any issues with these dates. The committee agreed to proceed with these meeting dates, which are April 11th, July 11th, October 10th, and December 12th.

Materials Distributed at the Meeting

- Meeting Agenda
- Previous Meeting Minutes
- Wastewater Treatment Plants ENR Upgrade Status
- BRF Septic Program Funded Installations
- Distribution of Bay Restoration Fee

Attendance

Advisory Committee Members or Designees Attending:

Chris Murphy, Anne Arundel County DPW, Committee Chairman
Laura Allen, Maryland Department of Budget and Management
Jeffrey Fretwell, Maryland Department of the Environment
Walid Saffouri, Maryland Department of the Environment
Jason Keppler, Maryland Department of Agriculture
Ellen Mussman, Maryland Department of Planning
Timothy Male, Environmental Policy Innovation Center
Doug Abbott, Easton Utilities
Doug Myers, Chesapeake Bay Foundation
Bob Buglass, Washington Suburban Sanitary District
Cheryl Lewis, Town of Oxford
John Dinkle, Dinkle Business Development
William Ball, Johns Hopkins University
Devon Dodson, Maryland Department of the Environment

Others in Attendance:

Joe Sowinski, HDR
Peter Bozick, George, Miles & Buhr
Mary Sheppard, Office of the Attorney General
Dru Schmidt-Perkins, Team Septics
Gussie McGuire, Chesapeake Bay Foundation
Andrew Gray, Department of Legislative Services
Kelly Duffy, RK&K
Paola Argueta, B&L

Maryland Department of the Environment (MDE) Attendees:

Kathy Stecker	Sunita Boyle
Paul Emmart	Mehdi Majedi
MiYamie Johnson	Andrew Gosden

Wastewater Treatment Plants ENR Upgrade Status

(April 11, 2024)

Major WWTPs

Previous Meeting

65 facilities are in operation
1 facility is under construction
1 facility is in planning
67 total

Current

66 facilities are in operation
0 facility is under construction
1 facility is in planning
67 total

Status Changes Since Previous Meeting:

- Westminster has completed the ENR upgrade.

Minor WWTPs

Previous Meeting

13 facilities are in operation
6 facilities are under construction
8 facilities are in design
8 facilities are in planning
35 total

Current

15 facilities are in operation
4 facilities are under construction
8 facilities are in design
8 facilities are in planning
35 total

Status Changes Since Previous Meeting:

- Chesapeake City and Victor Cullen have completed the ENR upgrade.

Percentage completion for facilities under construction for ENR Upgrade:

Facility	Previous Meeting Percentage Complete	Current Percentage Complete
Lewistown	87%	87%
Twin Cities	64%	78%
Smith Island	22%	43%
Elk Neck State Park	9%	17%



Bay Restoration Fund Advisory Committee

Christopher P. Murphy, Chairman

**Annual Status Report
January 2024 (19th Report)**

Report to:

**Wes Moore, Governor
State of Maryland**

**Aruna Miller, Lt. Governor
State of Maryland**

**Bill Ferguson, Senate President
Maryland General Assembly**

**Adrienne A. Jones, House Speaker
Maryland General Assembly**

**Brian J. Feldman, Chair
Senate Education, Energy, and the Environment Committee**

**Guy Guzzone, Chair
Senate Budget and Taxation Committee**

**Marc Korman, Chair
House Environment and Transportation Committee**

**Ben Barnes, Chair
House Appropriations Committee**

Bay Restoration Fund Advisory Committee Members

Committee Members	Affiliation
Christopher P. Murphy (Committee Chairman)	Anne Arundel County Department of Public Works
Serena McIlwain	Maryland Department of the Environment
Kevin Atticks	Maryland Department of Agriculture
Rebecca L. Flora	Maryland Department of Planning
Josh Kurtz	Maryland Department of Natural Resources
Helene T. Grady	Maryland Department of Budget and Management
William P. Ball, Ph.D.	Johns Hopkins University
Bob Buglass	Washington Suburban Sanitary Commission (WSSC)
John Dinkel	DBD, LLC
Mark Hoffman	Chesapeake Bay Commission
Cheryl A. Lewis	Town of Oxford
Doug Myers	Chesapeake Bay Foundation
Timothy Male	Environmental Policy Innovation Center
J. Teigen Hall	Nemphos Braue Attorneys at Law
Douglas Abbott	Easton Utilities

PURPOSE OF THIS REPORT

Section 1605.2 of the Environment Article, *Annotated Code of Maryland*, requires that, beginning January 2006, and every year thereafter, the Bay Restoration Fund (BRF) Advisory Committee (BRFAC) provide an update to the Governor and the General Assembly on the implementation of the BRF program, and report on its findings and recommendations.

EXECUTIVE SUMMARY

The BRFAC is pleased to present to Governor Wes Moore and the Maryland General Assembly its 19th Annual Legislative Update Report. Great strides have been made in implementing this historic BRF, but many challenges remain as we continue with the multi-year task of upgrading the state's wastewater treatment plants (WWTPs) and onsite sewage disposal systems (OSDSs), and planting cover crops to reduce nitrogen and phosphorus in the Chesapeake Bay.

- As of June 30, 2023, the Comptroller of Maryland (CoM) has deposited approximately, since the 2004 program inception, \$1.647 billion in the Maryland Department of the Environment (MDE) WWTP fund, \$240 million in the MDE Septic Systems Upgrade fund, and \$169 million in the Maryland Department of Agriculture (MDA) Cover Crop Program fund, for a total of \$2.056 billion in BRF fees (wastewater and septic users).
- Enhanced Nutrient Removal (ENR) upgrades of the state's major sewage treatment plants are almost completed with 65 of the 67 major facilities currently in operation. For the remaining two facilities, one (Westminster, Carroll County) is currently under construction to be upgraded, and the other (Princess Anne, Somerset County) is in the planning phase.
- Upgrades are underway for some minor sewage treatment plants (less than 0.5 million gallons per day). To date, 12 minor facilities have completed the ENR upgrade and are in operation. Six more are under construction, and 17 additional plants have signed the funding agreement and have progressed into planning or design. All facilities that pay into the BRF and provide services to residential dwelling units are eligible to receive BRF grants if MDE determines that the ENR upgrade would be cost effective at the selected facility. MDE estimates that approximately 80 of those minor facilities may meet the cost-effectiveness criteria and can be upgraded if they apply for BRF funding.
- MDE is using BRF to upgrade septic systems with the Best Available Technology (BAT) for nitrogen removal. As of June 30, 2023, the BRF has funded 15,638 BAT upgrades throughout Maryland, of which 9,522 upgrades were completed within Maryland's Critical Areas. In addition, 1,504 homes have been connected to public sewers using BRF.
- During the 2021 legislative session, the Clean Water Commerce Account (CWCA) was established to allow MDE to purchase nitrogen reductions from environmental practices with a life of at least 10 years. Twenty million dollars a year will be transferred from the Wastewater Fund to the Clean Water Commerce Account to be used for these purchases. The first project solicitation (FY23) under the reauthorized program was open during summer 2022 and closed in September 2022. There has been significant interest in the program, with 36 applications

received and over \$90 million in funding requested. MDE, MDA and the Environmental Policy Innovation Center (EPIC) evaluated the submitted applications and selected 16 projects to be funded (nine projects by MDE, five by EPIC, and two by MDA).

- MDA dedicates its portion of BRF for the implementation of the statewide Cover Crop Program. Now in its second year of implementation, MDA continued to offer a multi-year contract option consistent with recommendations by the state's Soil Health Advisory Committee. This Cover Crop+ Program promotes soil health benefits associated with cover crop implementation. Management practices, such as, requiring at least 50% cereal grains and 25% legumes into the cover crop mix, maintaining year-round soil cover, and allowing livestock grazing on established cover crop fields not only provide water quality benefits but also improve soil health.
- In FY23, Maryland farmers applied to plant 600,282 acres of cover crops. Typically, they enroll more acreage than they plant. Farmers planted 395,003 acres attaining an estimated nutrient reduction of 2.7 million pounds of nitrogen and 3,200 pounds of phosphorus.
- Cover crops are planted in the fall to prevent excess nitrogen runoff from the soil after crop harvest. It is one of the Best Management Practices (BMPs) within Maryland's Watershed Implementation Plan (WIP) to meet Total Maximum Daily Loads (TMDL) nutrient reductions. The practice is recognized as one of the state's most cost effective BMPs available to prevent nitrogen movement to groundwater and subsequently the Bay. Cover crops also prevent soil erosion and improve soil quality.
- Expenditures for FY23 utilized appropriations of \$12.9 million from BRF, and \$11.2 million from the Chesapeake and Atlantic Coastal Bays Trust Fund (Trust Fund).
- This summer, 625,000 acres were enrolled in next year's (FY24) Cover Crop Program. The program is traditional, meaning the crop recovers unused plant nutrients in the fall then recycles the nutrients for the following spring crop. The traditional planted acres along with commodity acres reported by the U.S. Department of Agriculture (USDA) Farm Service Agency should allow Maryland farmers to reach Chesapeake Bay goals. In addition, since being introduced, MDA has received 28 applications totaling nearly 5,700 acres annually over the next three years for the Cover Crop+ Program.
- MDE and the Maryland Department of Planning (MDP) are continuing their efforts to implement the requirements of Chapter 257 of the 2007 Acts, which requires MDE and MDP, in concert with the BRAC and in consultation with local governments, to report on the growth influences that ENR-upgraded WWTPs may be having in the jurisdiction served. As part of this report, MDP is continuing its analysis, and is reporting on all qualifying WWTPs, grouped by regions, found in Table 1 of this report.

Conclusions and Recommendations

MDE will continue to ensure that BRF-funded projects remain on schedule to assist the state in meeting its final 2025 nutrient reduction targets for the Bay.

Programs and Administrative Functions

Comptroller of Maryland (CoM):

The role of the CoM is to act as the collection agent for BRF and make distributions to MDE and MDA as required by the law.

In the third year of administering BRF, the CoM began the compliance phase of the fee administration. The law specifies that BRF shall be administered under the same provisions allocable to administering the sales and use tax. Granted that authority, the CoM began the audit process for both filers and non-filers of BRF quarterly reports.

For non-filers, CoM began contacting the billing authorities and users who have failed to file or pay BRF and is obtaining sufficient documentation to make an assessment and begin collection activity. Federal government billing authorities and users have, to date, refused to participate in the BRF process. MDE secured an agreement with the U.S. Department of Defense (DoD) to have WWTPs upgrade their systems over a defined period of time to exempt them from BRF. A copy of the agreement was provided by MDE to CoM, and those BRF accounts were subsequently placed on inactive status.

The CoM is continuing its audits of billing authorities to ensure fees are calculated correctly and are being collected.

MDE:

Three units within MDE are involved in the implementation of BRF.

1. *Maryland Water Infrastructure Financing Administration:*
The Maryland Water Infrastructure Financing Administration, established under Title 9, Subtitle 16 of the Maryland Code, has the primary responsibility for the capital budget development, financial management, and fund accounting of the Water Quality Revolving Loan Fund, the Drinking Water Revolving Loan Fund, and BRF. Specifically, for BRF, it is responsible for the issuance of revenue bonds, payment disbursements, and the overall financial accounting, including audited financial statements.
2. *Engineering and Capital Projects Program:*
The Engineering and Capital Projects Program manages the engineering and project management of federal capital funds consisting of special federal appropriation grants, and state revolving loan funds for water quality and drinking water projects. Also, the Program manages projects funded by state grant programs, including BRF, Special Water Quality/Health, Small Creeks and Estuaries Restoration, Stormwater, Comprehensive Flood Management Grant, and Water Supply Financial Assistance. There may be as many as 250 active capital projects ranging in levels of complexity at any given time. Individual projects range in value from \$10,000 to \$500 million. A single project may involve as many as eight different funding sources, and multiple construction and engineering contracts over a period of three to ten years. The program is responsible for assuring compliance with the

requirements for each funding source while achieving the maximum benefit of funds to the recipient and timely completion of the individual projects.

3. *Wastewater Permits Program:*

The Wastewater Permits Program (WWPP) issues permits for surface and groundwater discharges from municipal and industrial sources and oversees onsite sewage disposal and well construction programs delegated to local approving authorities. Large municipal and industrial discharges to the groundwater are regulated through individual groundwater discharge permits. All surface water discharges are regulated through combined state and federal permits under the National Pollutant Discharge Elimination System. These permits are issued for sewage treatment plants, some water treatment plants, and industrial facilities that discharge to state surface waters. These permits are designed to protect the quality of the body of water receiving the discharge.

Anyone who discharges wastewater (WW) to surface waters needs a surface water discharge permit. Applicants include industrial facilities, municipalities, counties, federal facilities, schools, and commercial water and WWTPs, as well as treatment systems for private residences that discharge to surface waters.

WWPP ensures that the ENR goals and/or limits are included in the discharge permits of facilities upgraded under BRF. To accommodate the implementation of the OSDS portion of BRF, the program has been designated as the lead for the OSDS upgrade program.

Maryland Department of Agriculture (MDA):

MDA delivers soil conservation and water quality programs to agricultural landowners and operators using a number of mechanisms to promote and support the implementation of BMPs. Programs include information, outreach, technical assistance, financial assistance, and regulatory programs such as Nutrient Management. Soil Conservation Districts (SCDs) are the local delivery system for many of these programs.

BRF provides a dedicated funding source for the Cover Crop Program. In prior years, funding fluctuated, and program guidelines were modified accordingly to try to get the best return on public investment. For FY23, incentive payments were adjusted based on rising input costs. A maximum payment could have reached \$105/acre for those meeting all of the incentive criteria, which included a \$15/acre spring delayed crop termination incentive.

Now in its second year of implementation, MDA's Cover Crop+ Program offers higher incentive payments and more perks for farmers who plant cover crops to improve soil health. To participate in this program, farmers sign a contract to grow cover crop mixes on the same field for three consecutive years. They also agree to maintain a living root system in enrolled fields throughout the year and manage their cover crop to achieve maximum soil health and water quality benefits.

The FY23 base payment for this premium incentive program has been raised to \$125/acre per year. Optional add-on practices, such as cover crops following commodity grains, livestock integration, and pre-sidedress soil nitrate testing can increase the reimbursement rate to \$155/acre. To qualify for payment, optional add-ons must be new practices (not used in the previous three years) for an enrolled field.

MDA is projected to receive \$14.2 million in BRF support in FY24. It is projected that BRF will provide financial assistance for approximately 230,000 acres of cover crops.

Over the past nine years, the Cover Crop Program has been co-funded by the BRF and Trust Fund and has worked to support the increased level of farmer participation.

MDA's outreach for the program included news releases, print ads, direct mail, posters, outdoor banners at commercial grain facilities and equipment dealer facilities, cover crop field signs, seed testing bags, bumper stickers, and educational displays targeted toward farmers.

MDA administers the Cover Crop Program through the Conservation Grants Program, which offers several incentive programs and provides financial assistance to farm operators to help them implement more than 40 BMPs. Cover crops are one of the most cost-effective methods for sequestering residual nutrients from the soil following the fall harvest of crops. They minimize nitrogen leaching, prevent soil erosion, and improve soil quality.

Maryland Department of Planning (MDP):

Maryland Department of Planning is a statutory member of the BRFAC. Chapter 80 of the Acts of 2014 allows for the use of BRF monies for the remediation of failing septic systems, outside of the Priority Funding Area (PFA), connecting to the qualified WWTPs. Such cases must meet certain conditions and gain approval from the Smart Growth Coordinating Committee prior to using BRF. Planning works with local governments to ensure that land use plans maintain consistency with both local development goals and state growth policies, in light of these external PFA sewer extensions to remediate failing septic systems.

Specific functions that MDP carries out that relate directly or indirectly to BRF are summarized below. House Bill 893 enacted in 2007, added an additional BRF reporting responsibility, which is discussed later in this report.

State Clearinghouse Review:

All state and federal financial assistance applications, including those for BRF funds, are required to be submitted for review through MDP's State Clearinghouse. The Clearinghouse solicits comments on these applications from all relevant state agencies and local jurisdictions. The applicant and funding agency are subsequently notified of any comments received. This review ensures the interests of all reviewing parties are considered before a project is sent forward for final federal or state approval.

County Water and Sewerage Plans and Amendments:

MDP assists local governments in the preparation of amendments and revisions to the water and sewer planning document, when requested by the local governments.

Planning is directed by law to advise MDE regarding the consistency of County Water and Sewerage Plans, and amendments with regard to the "local master plan and other appropriate matters" (Environment Article § 9-507 (b) (2)).

The law requires that County Water and Sewerage Plans, and amendments be consistent with the local comprehensive plans. If a plan or amendment is not consistent, it is subject to disapproval, in whole or in part, by MDE.

Priority Funding Areas (PFAs):

PFAs are delineated by local governments in accordance with statutory criteria that focus on concentrating high density growth in and near existing communities. If the local PFA designations do not meet the legal requirements in the law, MDP indicates those portions as “comment areas” to indicate that not all requirements of the §5-7B-02 and 03 State Finance and Procurement Article are met. In these areas “growth-related projects” are ineligible for certain state funding until requirements are met or unless an exception is granted by the Maryland Smart Growth Coordinating Committee. The PFA statute lists the specific state financial assistance programs that are required to focus their funding on projects inside the PFA, with certain specified exceptions. BRF was enacted after the PFA law and is not included in the list of state financial programs subject to the PFA funding restrictions but is monitored so as not to negatively affect the efforts of Smart Growth policies, namely support to new development at lower densities, especially outside of designated growth areas. Even though PFA law is not directly applicable to this capacity, as highlighted in Table 1 of this report, it appears that treatment capacity has been consistently used for service connections within the PFA. MDP will continue to monitor this activity, especially in areas where major failing septic systems are increasing in numbers, and other jurisdictions where the remediation of failing septic systems for public health and safety reasons is on the rise. Where BRF septic funds are provided for these types of connections, local governments are guided and advised by MDE and MDP.

Local Comprehensive Plan Review and Comment: Local comprehensive plans must be prepared by every county and municipality, pursuant to the Land Use Article of the Annotated Code. MDP provides comments on draft local comprehensive plans and amendments. Through the Clearinghouse review process, MDP coordinates other state agency comments prior to being adopted by local governing bodies. While these plans are not subject to state approval and comments provided are advisory only, local governing bodies provide full consideration to the state advisory comments since state funds may later be needed to implement specific recommendations of the local plans. MDP works closely with and provides technical assistance to local governments in the processes leading to the adoption of local comprehensive plans. MDP ensures coordination with state policies, including the plans, policies, and programs of the Governor’s Smart Growth Subcabinet.

BRF Status

BRF fees collected from WWTP users are identified as “Wastewater” fees, and those collected from users on individual OSDs are identified as “Septic” fees. These fees are collected by the CoM and deposited as follows:

- Wastewater fees (net of local administrative expenses) are deposited into MDE’s “Wastewater Fund.”
- 60% of the Septic fees (net of local administrative expenses) are deposited into MDE’s “Septic Fund.”
- 40% of the Septic fees (net of local administrative expenses) are deposited into MDA’s “Septic Fund.”

The status of the deposits from the CoM to MDE and MDA for each of the sub-funds identified above, as of June 30, 2023, is as follows:

Wastewater Fund (MDE 100% - FY23):

<u>Sources:</u>	<u>\$ Million</u>	<u>Uses:</u>	<u>\$ Million</u>
Fee Revenue Deposits	\$114.8	Grant Awards	\$63.1
Interest Earnings	\$5.3	Admin. Expense Allowance	\$1.8
Net Bond Proceeds	<u>\$0.0</u>	Bond DS Payments	<u>\$31.6</u>
Total	\$120.1	Total	\$96.5

Wastewater Fund (MDE 100% - cumulative since inception 2004):

<u>Sources:</u>	<u>\$ Billion</u>	<u>Uses:</u>	<u>\$ Billion</u>
Fee Revenue Deposits	\$1.647	Grant Awards	\$1.718*
Interest Earnings	\$0.041	Admin. Expense Allowance	\$0.025
Net Bond Proceeds	<u>\$0.362</u>	Bond DS Payments	<u>\$0.264</u>
Total	\$2.05	Total	\$2.007

*Funds are awarded after construction bids have opened (except for planning/design) and payment disbursements are made as expenses are incurred; \$100 million in additional revenue bonds issuance is projected for FY27.

As of June 30, 2023, the grants under the Wastewater Fund were awarded as follows:

MAJOR WWTP GRANTS:

Aberdeen, City of	Aberdeen WWTP ENR	\$14,581,773.00
Allegany Co.	Georges Creek WWTP ENR	9,875,136.00
Allegany Co.	Celanese WWTP ENR	2,333,382.00
Anne Arundel Co.	Annapolis WRF ENR	14,683,515.00
Anne Arundel Co.	Broadneck WRF	7,762,678.00
Anne Arundel Co.	Broadwater ENR	6,044,053.00
Anne Arundel Co.	Cox Creek WRF ENR Upgrade	88,600,000.00
Anne Arundel Co.	MD City Facility ENR Upgrade	3,473,000.00

Anne Arundel Co.	Mayo WRF BNR ENR Upgrade	8,854,528.00
Anne Arundel Co.	Patuxent WRF ENR	3,713,000.00
Baltimore City	Back River WWTP ENR (SC877)	300,885,432.00
Baltimore City	Back River WWTP ENR (SC882)	46,219,057.00
Baltimore City	Patapsco WWTP ENR	158,922,000.00
Bowie, City of	Bowie WWTP ENR	8,668,492.00
Brunswick, City of	Brunswick WWTP ENR	8,263,000.00
Cambridge, City of	Cambridge ENR	8,618,255.00
Carroll Co.	Hampstead WWTP ENR	9,651,298.00
Cecil Co.	Northeast River Adv WWTP	10,923,342.00
Chesapeake Beach, Town of	Chesapeake Beach WWTP	7,099,652.00
	Chestertown BNR ENR	
Chestertown, Town of	Improvements	1,490,854.14
Crisfield, City of	Crisfield WWTP BNR ENR	4,230,766.00
Cumberland, City of	Cumberland WWTP BNR ENR	25,654,866.00
Delmar, Town of	Delmar WWTP BNR ENR	2,369,464.00
Denton, Town of	Denton WWTP ENR	4,405,615.00
Denton, Town of	Denton WWTP ENR Refinement	779,754.00
Easton, Town of	Easton WWTP ENR	7,788,021.00
Elkton, Town of	Elkton BNR ENR	7,403,154.00
Emmitsburg, Town of	Emmitsburg WWTP ENR	5,517,848.00
Federalsburg, Town of	Federalsburg BNR ENR	2,900,000.00
Frederick, City of	Frederick Gas House	17,422,090.00
Frederick Co.	Ballenger Creek McKinney WWTP	29,812,509.00
Fruitland, City of	Fruitland WWTP ENR	4,700,298.00
Hagerstown, City of	Hagerstown WWTP ENR	10,191,836.00
Harford Co.	Joppatowne ENR	3,399,778.00
Harford Co.	Sod Run ENR	36,640,567.00
Havre de Grace, City of	Havre de Grace WWTP ENR	10,474,820.00
Howard County	Little Patuxent ENR	35,493,172.00
Hurlock, Town of	Hurlock WWTP ENR	941,147.75
Indian Head, Town of	Indian Head ENR	5,822,098.00
LaPlata, Town of	La Plata WWTP ENR	9,367,610.00
Leonardtown, Town of	Leonardtown WWTP ENR	8,667,382.00
MD Environmental Service	Freedom District WWTP ENR	7,716,359.00
	MD Correctional Institute WWTP	
	ENR	6,764,539.00
MD Environmental Service	Dorsey Run WWTP ENR	47,986.00
Mt. Airy, Town of	Mt Airy WWTP/ENR	3,354,144.00
Perryville, Town of	Perryville ENR Upgrade	3,888,168.00
Perryville, Town of	Perryville WWTP ENR Refinement	7,975,325.00
Pocomoke, City of	Pocomoke WWTP ENR	3,214,878.00
Poolesville, Town of	Poolesville WWTP ENR	223,132.00
	Poolesville WWTP ENR	
	Refinements	7,315,120.00
Poolesville, Town of	Kent Island ENR	6,380,645.09
Queen Anne's County	Salisbury WWTP ENR Upgrade	2,553,876.86
Salisbury, City of	Salisbury WWTP BNR ENR	11,362,766.00
Salisbury, City of	Snow Hill WWTP ENR	3,275,455.00
Snow Hill, Town of	Princess Anne WWTP ENR	23,000.00
Somerset Co.	Marlay Taylor WRF	9,896,000.00
St. Mary's County	St Michaels WWTP ENR	1,978,698.78
Talbot County	Taneytown WWTP ENR	5,381,998.00
Taneytown, City of		

Thurmont, Town of	Thurmont WWTP ENR	6,680,679.00
Washington County	Winebrenner WWTP ENR	2,990,607.00
Washington County	Conococheague WWTP ENR	18,725,544.00
Westminster, City of	Westminster WWTP ENR	40,347,789.00
WSSC	Blue Plains WWTP ENR	143,632,166.00
WSSC	Damascus WWTP ENR Upgrade	5,053,399.00
WSSC	Parkway WWTP ENR Upgrade	14,271,803.00
WSSC	Piscataway WWTP ENR Upgrade	6,324,000.00
WSSC	Seneca WWTP ENR Upgrade	5,550,048.00
WSSC	Western Branch WWTP ENR	37,589,528.00

MAJOR WWTP-ENR GRANT SUBTOTAL

1,317,162,897.62

MINOR WWTP & EXPANDED USE PROJECT GRANTS:

Minor WWTP Projects

Betterton, Town of	Betterton WWTP BNR ENR Upgrade	5,935,956.00
Boonsboro, Town of	Boonsboro WWTP ENR Upgrade	2,000,000.00
Cecil County	Harbour View WWTP ENR Upgrade	5,131,902.00
Cecil County	Port Deposit WWTP	7,837,445.00
Cecilton, Town of	Cecilton WWTP ENR Upgrade	34,908.00
Chesapeake City, Town of	Chesapeake City WWTP ENR	6,868,900.00
Frederick County	Lewistown WWTP ENR Upgrade	2,466,000.00
Galena, Town of	Galena WWTP ENR	1,768,370.00
Garrett Co SD	Trout Run-Oakland WWTP	1,621,035.00
Grantsville, Town of	Grantville WWTP	776,526.00
Greensboro, Town of	Greensboro WWTP ENR	2,581,838.00
Hancock, Town of	Hancock WWTP ENR Upgrade	56,500.00
Manchester, Town of	Manchester WWTP ENR	1,257,067.00
MD Environmental Svc	Elk Neck St Park WWTP ENR	8,219,055.00
MD Environmental Svc	Victor Cullen WWTP ENR Upgrade	5,146,650.00
MD Environmental Svc	Cheltenham Village WWTP ENR	27,565.00
MD Environmental Svc	Point Lookout State Park WWTP ENR	53,035.00
New Windsor, Town of	New Windsor WWTP ENR Upgrade	30,604.00
Oxford, Town of	Oxford WWTP/ ENR Upgrade	7,321,718.00
Preston, Town of	Preston WWTP ENR Upgrade	9,120,869.00
Queenstown, Town of	Queenstown WWTP BNR ENR	842,895.00
Rising Sun, Town of	WWTP ENR Upgrade	1,099,268.00
Rock Hall, Town of	WWTP ENT Upgrade	745,571.00
Secretary, Town of	Twin Cities WWTP ENR Upgrade	17,724,632.00
Somerset County	Smith Island BNR ENR Upgrade	10,012,677.00
Sudlersville, Town of	Sudlersville BNR ENR	2,299,722.00
Talbot County	Region V-Tilghman Island WWTP ENR	28,990.00
Trappe, Town of	WWTP ENR Upgrade	25,975.00
Union Bridge, Town of	Union Bridge WWTP ENR	99,800.00
Upper Potomac River Comm.	UPRC WWTP ENR	100,000.00
Vienna, Town of	Vienna WWTP ENR	550,900.00

Sewer/Septic Stormwater Projects:

Allegheny Co.	Bedford Rd San Sew Rehab Ph VI Braddock & Jennings RCS	1,137,072.00
Allegheny Co.	Improvements	20,381,519.00
Baltimore City	Patapsco SSI (SC-903)	19,869,452.00
Baltimore City	Herring Run SSI HR07A (SC-937)	5,055,835.00
Baltimore City	Low Level SSI (SC-914)	11,834,981.00
Baltimore City	SSI SW SC963 & Maiden Choice	12,958,000.00
Baltimore City	Gwynn's Falls Sewershed SC921	8,454,271.00
Baltimore City	Gwynn's Falls Sewershed SC977	5,720,729.00
Baltimore City	Herring Run Sewershed II SC910	10,686,000.00
Baltimore City	Improvs to SS Herring Run SC956	6,135,657.00
Baltimore City	Improvs to San Sewer SC965 Hydraulic Improvement SS Coll.	9,803,428.00
Baltimore City	SC940 SW Management -Greens	10,601,422.00
Carroll County	Westminster	347,340.00
Carroll County	SW Management - Woodsyde	833,739.00
Carroll County	SW Management -EastWest Pond	568,973.00
Carroll County	SW Management -Trevanion Terr.	632,010.00
Cumberland, City of	CSO Storage Facility Ph I	25,895,569.00
Frostburg, City of	CSO Ph VIII-B	2,130,050.00
Frostburg, City of	CSO Ph IX-A	1,775,478.00
Frostburg, City of	CSO Ph IX-B Stoyer Str Corridor	2,001,788.00
Frostburg, City of	CSO Ph IX-C Beall Str Corridor	1,211,602.00
Greensboro, Town of	Goldsboro Reg WW Ph V	2,213,095.00
Howard County	Ashleigh Knolls Shared Sewer Fac.	2,940,900.00
197 Sewer/St Johns Prop.	Dover Rd Sewer Connection	42,220.00
197 Sewer/St Johns Prop.	BWI Commerce Park Sewer Ext.	1,265,568.00
197 Sewer/St Johns Prop.	ITC Sewer Extension	1,131,795.00
197 Sewer/St Johns Prop.	Business Park Sewer Ext.	842,603.00
LaVale Sanitary Commission	LaVale Manhole Rehab Ph II	714,855.00
Luke, Town of	Landslide Sewer Ln Repair	65,468.00
Queen Anne's County	Southern Kent Island Sanitary Ph II	2,000,000.00
Sudlersville, Town of	Barclay Sanitary Sewer	1,550,000.00
WSSC	Lower Anacostia Sewer Basin- PGC	3,791,375.00
WSSC	Beaver Dam Sewer Basic-PGC	2,219,000.00
WSSC	Northwest Sewer Basin - PGC	3,134,250.00
WSSC	Parkway Sewer Basin- PGC	159,250.00
WSSC	Piscataway Sewer Basin- PGC	2,235,311.00
WSSC	Northeast Sewer Basin PGC	5,362,875.00

<u>TOTAL MINOR WWTP & EXPANDED USE PROJECT GRANTS</u>	289,489,853.00
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SEWER PROJECTS (PRE FY10)

Allegheny County	Braddock Run Interceptor	499,748.00
Baltimore City	Gwynn's Run Sewer	1,575,000.00
Baltimore City	Greenmount Br Sewer Interceptor	2,300,000.00
Baltimore City	Greenmount Br Sewer Interceptor II	1,000,000.00
Cumberland, City of	CSO Elimination-Evitts Creek	1,319,889.00
Denton, Town of	Lockerman St. Lift Station	100,000.00
Emmitsburg, Town of	South Seton Ave Sewer Line	600,000.00
Federalburg, Town of	Maple Ave Sewer	600,000.00

Frostburg, Town of	Combined Sewer Overflow Ph IV	1,000,000.00
Frostburg, Town of	CSO - Phase V	800,000.00
Frostburg, Town of	CSO - Phase VI Elimination	1,100,000.00
Fruitland, City of	Infiltration & Inflow Sewer	800,000.00
Hagerstown, City of	Collection System Rehab	800,000.00
Havre de Grace, City of	I&I Sewer Reduction	166,500.00
Mountain Lake Park, Town of	Sewer Rehab III	731,884.00
Port Deposit, Town of	Inflow & Infiltration Reduction	178,199.00
Secretary, Town of	Gordon Street Lift Station	150,000.00
Secretary, Town of	Infiltration/Inflow Reduction	172,068.00
St. Mary's METCOM	Evergreen Park Sewer	203,714.00
St. Mary's METCOM	Piney Pt. Sewer Repair	465,559.00
Talbot County	St Michaels Sewer & Upgrade	1,000,000.00
Talbot County	St Michaels Region II Sewer & Upgrade	450,000.00
Taneytown, City of	Baltimore St Water Main	200,000.00
Thurmont, Town of	Sewer Line Rehab	947,000.00
Washington County	Halfway Inflow/Infiltration Reduction	200,000.00
Westernport, Town of	CSO	936,000.00
Westernport, Town of	CSO/ Elim Philos Ave Area	1,032,519.00
Williamsport, Town of	Inflow & Infiltration Reduction	383,226.00
SEWER GRANT SUBTOTAL (PRE FY10)		19,711,306.00

Operations and Maintenance
(O&M) GRANTS

Allegany County	North Branch WWTP O&M	771,759.00
Allegany County	George's Creek WWTP O&M	284,014.00
Anne Arundel County	Annapolis WWTP O&M	2,394,750.00
Anne Arundel County	Broadneck WWTP O&M	1,464,945.00
Anne Arundel County	Broadwater WWTP O&M	477,448.00
Anne Arundel County	Cox Creek WWTP	2,033,109.00
Anne Arundel County	Maryland City WWTP O&M	674,309.00
Anne Arundel County	Patuxent WWTP O&M	2,052,209.00
Baltimore, City of	Back River WWTP O&M	425,000.00
Boonsboro, Town of	Boonsboro WWTP O&M	270,521.00
Bowie, City of	Bowie WWTP O&M	734,825.00
Brunswick, City of	Brunswick WWTP O&M	469,317.00
Cambridge, City of	Cambridge WWTP O&M	1,861,265.00
Cecil County	Harbour View WWTP O&M	30,202.00
Cecil County	Northeast River WWTP O&M	390,627.00
Charles County	Mattawoman WWTP O&M	816,000.00
Chesapeake Beach, Town of	Chesapeake Beach WWTP O&M	71,363.00
Chestertown, Town of	Chestertown WWTP O&M	315,528.00
Crisfield, City of	Crisfield WWTP O&M	118,320.00
Cumberland, City of	Cumberland WWTP O&M	3,763,971.00
Delmar, Town of	Delmar WWTP O&M	119,748.00
Denton, Town of	Denton WWTP O&M	232,256.00
Easton Utilities	Easton WWTP O&M	1,604,315.00
Elkton, Town of	Elkton WWTP O&M	1,181,705.00
Emmitsburg, Town of	Emmitsburg WWTP O&M	137,840.00
Federsburg, Town of	Federsburg WWTP O&M	147,503.00

Frederick, City of	Gas House Pike WWTP O&M	632,472.00
Frederick County	Ballenger Creek WWTP O&M	2,334,500.00
Fruitland, City of	Fruitland WWTP O&M	105,612.00
Greensboro, Town of	Greensboro WWTP O&M	52,500.00
Hagerstown, City of	Hagerstown WWTP O&M	2,909,848.00
Harford County	Aberdeen WWTP O&M	1,087,242.00
Harford County	Joppatowne WWTP O&M	299,590.00
Harford County	Sod Run WWTP O&M	2,606,058.00
Havre de Grace, City of	Havre de Grace WWTP O&M	809,686.00
Howard County	Little Patuxent WWTP O&M	3,011,097.00
Hurlock, Town of	Hurlock WWTP O&M	624,879.00
Indian Head, Town of	Indian Head WWTP O&M	316,502.00
La Plata, Town of	La Plata WWTP O&M	393,556.00
Leonardtown, Town of	Leonardtown WWTP O&M	112,570.00
MD Environmental Svc	Dorsey Run WWTP O&M	517,876.00
MD Environmental Svc	Eastern Corr. Inst WWTP O&M	303,461.00
MD Environmental Svc	Freedom District WWTP O&M	605,070.00
MD Environmental Svc	MD Correctional Institute WWTP O&M	188,463.00
MD Environmental Svc	Rocky Gap WWTP O&M	95,561.00
MD Environmental Svc	So. MD Pre-release WWTP O&M	117,827.00
Mount Airy, Town of	Mount Airy WWTP O&M	407,452.00
Oxford, Town of	Oxford WWTP O&M	25,000.00
Perryville, Town of	Perryville WWTP O&M	350,755.00
Pocomoke City, City of	Pocomoke City WWTP O&M	300,880.00
Poolesville, Town of	Poolesville WWTP O&M	13,500.00
Queen Anne County	Kent Island WWTP O&M	1,016,123.00
Queenstown, Town of	Queenstown WWTP O&M	128,312.00
Rising Sun, Town of	Rising Sun WWTP O&M	114,368.00
Salisbury, City of	Salisbury WWTP O&M	1,549,742.00
Snow Hill, Town of	Snow Hill WWTP O&M	251,290.00
St. Mary's County	Marlay Taylor WWTP O&M	646,784.00
Talbot County	Talbot Region II WWTP O&M	352,104.00
Thurmont, Town of	Thurmont WWTP O&M	319,190.00
Washington County	Conococheague WWTP O&M	662,155.00
Washington County	Winebrenner WWTP O&M	159,672.00
WSSC	Blue Plains WWTP O&M	600,000.00
WSSC	Damascus WWTP O&M	480,171.00
WSSC	Parkway WWTP O&M	2,419,125.00
WSSC	Piscataway WWTP O&M	2,362,199.00
WSSC	Seneca WWTP O&M	2,685,983.00
WSSC	Western Branch WWTP O&M	2,911,585.00

O&M GRANT SUBTOTAL

57,749,609.00

CWCA: Nutrient Load Reduction GRANTS

Anne Arundel Co. DPW	Municipal Discharge Broadneck/Annapolis	8,181,550.00
Anne Arundel Co. DPW	Municipal Discharge Cox/Patuxent	9,498,475.00
HGS/Res. Env Solutions	Tributary to Winters Run Stream	4,910,825.00
Howard Co. DPW	Municipal Discharge Little Patuxent	1,818,450.00
CWCA GRANT SUBTOTAL		24,409,300.00

Chesapeake Bay Trust	Urban Tree Program	10,000,000.00
TOTAL BRF A0111 Grants		<u>\$1,718,522,965.62</u>

Septic Fund (MDE 60% for OSDS upgrades FY23):

<u>Sources:</u>	<u>\$ Million</u>	<u>Uses:</u>	<u>\$ Million</u>
Fee Revenue Deposits	\$ 16.9	Capital Grant Awards	\$ 15.0
Interest Earnings	\$ 0.3	Admin. Expense Allowance	\$ 1.5
		<u>HB-12 Local Admin Grants</u>	<u>\$ 1.5</u>
<u>Total</u>	<u>\$ 17.2</u>	<u>Total</u>	<u>\$ 18.0</u>

Septic Fund (MDE 60% for OSDS upgrades except 22.4% in FY10 - cumulative since inception 2004):

<u>Sources:</u>	<u>\$ Million</u>	<u>Uses:</u>	<u>\$ Million</u>
Fee Revenue Deposits	\$239.8	Capital Grant Awards	\$212.3*
Interest Earnings	\$3.8	Admin. Expense Allowance	\$19.3
		<u>HB-12 Local Admin Grants</u>	<u>\$12.7 **</u>
<u>Total</u>	<u>\$243.6</u>	<u>Total</u>	<u>\$244.3</u>

*Does not include \$15 million of FY24 grant awarded in June 2023. Payment disbursements are made as BATs, and public sewer connections are installed and expenses are incurred.

** HB12, passed during the 2014 session, allows for up to 10% of the MDE septic fee allocation to be used for grants to local health departments to implement and enforce the septic regulations requiring BAT for nitrogen reduction from septic systems.

As of June 30, 2023, the grants under the Septic Fund were awarded as follows:

	Capital Program Grant Award	HB12 Admin Grant Award
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Allegany Co. Hlth Dept	1,076,016.85	235,000.00
Anne Arundel Co. Hlth Dept	37,745,195.56	675,000.00
Baltimore Co. Hlth Dept	6,455,656.41	629,000.00
Calvert Co. Hlth Dept	19,765,070.69	1,040,000.00
Caroline Co. Hlth Dept	5,102,163.46	720,000.00
Carroll Co. Hlth Dept	3,528,329.98	387,000.00
Cecil Co. Hlth Dept	10,925,958.50	499,000.00
Charles Co. Hlth Dept	5,756,137.75	569,000.00
Dorchester Co. Hlth Dept	9,571,842.75	840,000.00
Frederick Co. Hlth Dept	4,802,157.05	596,000.00
Garrett Co. Hlth Dept.	1,469,231.28	350,000.00
Harford Co. Hlth Dept	5,880,489.27	580,000.00
Howard Co. Hlth Dept	2,290,678.25	369,000.00
Kent Co. Hlth Dept.	7,738,204.59	770,000.00
Montgomery Co. Hlth Dept	3,010,656.50	120,000.00
Prince George's Co. Hlth Dept	846,303.16	175,000.00
Queen Anne's Co. Hlth Dept	17,344,804.14	591,000.00
Somerset Co. Hlth Dept.	4,397,360.36	573,000.00
St. Mary's Co. Hlth Dept.	16,133,129.94	1,018,000.00
Talbot Co. Hlth Dept	11,664,295.88	836,000.00
Washington Co. Hlth Dept	4,524,981.30	359,000.00
Wicomico Co. Hlth Dept	9,255,802.00	467,000.00
Worcester Co. Hlth Dept	4,702,907.21	231,000.00
Direct Grant Awards_Individual	17,725,266.58	-
Direct-2nd year O&M_ BAT vendor	636,450.00	-
Total BRF SEPTIC Grant Awards	212,349,089.46	12,629,000.00

Septic Fund (MDA 40% for Cover Crops)

<u>Sources:</u>		<u>Uses:</u>	
Cash Deposits*	\$157,400,333	Grant Awards	\$154,621,769
		Admin. Expense	<u>\$ 2,778,564</u>
		Total	\$157,400,333

*Cumulative revenue and expenditures as of June 30, 2023.

Historically, there is attrition between acres enrolled and actual payments for cover crops planted under the Conservation Grants Program. The main cause of reduced acreage is one of time and labor availability in the fall planting of cover crops after harvest. Other causes include delays due to weather and other uncontrolled factors. There is also a smaller reduction in acres planted and those paid due to conversions from traditional to commodity cover crops or removal of acres from the program. The Table below illustrates the “typical” program attrition profile.

MDA Cover Crop Program 1 – Acres

Year	Application Acres	Approved Acres	Fall Certification	Paid Acres
2005/2006	210,258	205,268	135,328	126,245
2006/2007	451,467	290,000	243,945	238,674
2007/2008	336,800	303,364	203,497	187,479
2008/2009	398,225	387,022	237,144	238,839
2009/2010	330,469	330,469	206,810	206,810
2010/2011	508,000	492,757	400,311	381,949
2011/2012	570,183	567,154	429,818	400,795
2012/2013	607,433	604,186	415,437	414,558
2013/2014	608,427	602,481	423,212	415,550
2014/2015	631,374	617,714	475,559	473,790
2015/2016	656,173	652,594	501,205	500,022
2016/2017	691,787	689,389	561,344	558,976
2017/2018	636,904	636,904	395,862	359,873
2018/2019	617,269	604,135	362,976	359,702
2019/2020	649,89	620,900	488,214	485,206
2020/2021	640,864	634,739	433,116	429,095
2021/2022	638,226	627,778	435,628	424,616
2022/2023	600,282	582,780	397,066	395,003
2023/2024	625,197	621,609	TBD	TBD

Clean Water Commerce Act of 2021:

During the 2021 legislative session, the CWCA was established to allow MDE to purchase nitrogen reductions from environmental practices with a life of at least ten years. Twenty million dollars a year will be transferred from the Wastewater Fund to this account to be used for these purchases.

In each FY, the purchase must include:

- At least 35% from agricultural practices;
- At least 20% from projects in communities disproportionately burdened by environmental harms or risks; and
- At least 10% from nonagricultural landscape restoration projects.

Any unencumbered funds not used during the FY for the above categories become available in the subsequent FYs for any eligible environmental practice.

The first project solicitation (FY23) under the reauthorized program was open during summer 2022 and closed in September 2022. There has been significant interest in the program, with 36 applications received and over \$90 million in funding requested. MDE, MDA and the Environmental Policy Innovation Center (EPIC) evaluated the submitted applications and selected 16 projects to be funded (nine projects by MDE, five by EPIC, and two by MDA).

The Department selected 16 projects have total of \$16 million for the following categories:

Agricultural Practices:	\$14,000,000
Nonagricultural Landscape Restoration Projects:	\$2,000,000

No applications were received from communities disproportionately burdened by environmental harm or risks despite the Department’s outreach efforts and a second solicitation made specifically for this category. As specified by the law the \$4 million that would have been allocated to this category will be added to the next solicitation toward any eligible environmental practice.

WWTP Upgrades with Enhanced Nutrient Removal

Status of Upgrades:

MDE is implementing a strategy and is providing financial assistance to upgrade WWTPs in order to achieve ENR level of treatment. MDE’s strategy and BRF set forth annual average nutrient goals of WWTP effluent quality of Total Nitrogen (TN) at 3 mg/l and Total Phosphorus (TP) at 0.3 mg/l, where feasible, for all major WWTPs with a design capacity of 0.5 million gallons per day (MGD) or greater. Other smaller WWTPs are currently being selected by MDE for upgrade on a case-by-case basis, based on the cost effectiveness of the upgrade, environmental benefits, and land use factors. Primarily, Maryland’s 67 major sewage treatment facilities were targeted for the initial upgrades.

Major WWTPs:

ENR upgrades of the state’s major sewage treatment plants are almost completed with 65 of the 67 major facilities having been upgraded and in operation. One of the remaining facilities (Westminster, Carroll County) is under construction, and the other one (Princess Anne, Somerset County) is in planning.

Minor WWTPs:

ENR upgrades are underway for some minor sewage treatment plants (less than 0.5 MGD). MDE and Planning have been assisting local governments in applying for BRF grants, and to date, 12 minor facilities have completed the ENR upgrade and are in operation. Six more are under construction, and 17 additional plants have signed the funding agreement and have progressed into planning or design. All facilities that pay into the BRF and provide services to residential dwelling units are eligible to receive BRF grants if MDE determines that the ENR upgrade would be cost effective at the selected facility. MDE estimates that approximately 80 of those minor facilities may meet the cost-effectiveness criteria and can be upgraded if they apply for BRF funding.

DoD and Other Federal WWTPs:

On July 19, 2006, the State of Maryland and DoD signed a Memorandum of Understanding (MOU) to resolve a dispute regarding the applicability of BRF to DoD. The state’s legal position is that the federal government is not exempt from paying the BRF fee; however, the DoD asserts that the BRF fee is a tax and that the state may not tax the federal government. With the advice of counsel, the state chose to settle the matter with DoD rather than to litigate. In the MOU, neither party concedes any legal position with respect to the BRF fee. MDE has agreed to accept DoD’s proposal to undertake ENR upgrades at certain DoD-owned WWTPs at its own expense in lieu of paying the fee.

In addition to the DoD facilities, Beltsville Agricultural Research Center, owned by USDA, has a relatively large WWTP. USDA requested to be covered under the MOU and is currently upgrading its WWTP to ENR in lieu of paying the fee.

No other federal facility is exempt from paying the BRF fee under this MOU. Most federal facilities are connected to public water or sewer systems and are paying the fee through the local billing authorities.

MDE has worked with DoD to complete the ENR upgrade of the targeted facilities as specified in the MOU. Specifically, the following targeted DoD facilities were upgraded to ENR:

DoD Facility	Date of Start Meeting ENR Goals
Aberdeen Proving Ground – Aberdeen	March 2006
Aberdeen Proving Ground – Edgewood	March 2016
Fort Detrick	June 2012
Naval Station – Indian Head	September 2011
Fort Meade	January 2015
Naval Support Activity – Annapolis	April 2021

The following are the upgraded major, minor, and federal facilities with their nitrogen and phosphorus reductions achieved in CY22:

ENR Wastewater Treatment Plant	County	CY 2022 Average Flow (MGD)	TN Reduction (Lbs)	TP Reduction (Lbs)
John J. Difonzo	Allegany	10.493	185,262.10	55,898.05
George's Creek	Allegany	0.877	43,782.68	5,045.69
North Branch	Allegany	1.360	68,723.60	8,031.55
Rocky Gap	Allegany	0.057	2,949.73	312.32
UPRC	Allegany	0.828	40,580.29	4,360.49
Annapolis	Anne Arundel	9.050	176,314.27	54,271.74
Broadneck	Anne Arundel	4.115	77,664.12	23,299.24
Broadwater	Anne Arundel	1.087	22,831.66	6,386.25
Cox Creek	Anne Arundel	10.219	205,310.54	59,726.70
Dorsey Run	Anne Arundel	0.973	44,428.64	5,301.82
Fort Mead	Anne Arundel	1.597	75,352.13	9,382.56
Maryland City	Anne Arundel	1.449	27,347.59	6,925.11
Naval Academy	Anne Arundel	0.068	2,670.28	387.09
Patuxent	Anne Arundel	5.639	92,694.67	32,099.82
Back River	Baltimore	125.930	1,341,702.30	-
Patapsco	Baltimore City	51.674	361,791.89	117,975.62
Chesapeake Beach	Calvert	0.741	14,436.34	4,263.23
Denton	Caroline	0.417	5,458.38	2,196.04
Federalsburg	Caroline	0.271	13,776.68	1,427.17
Greensboro	Caroline	0.159	5,662.94	880.90
Preston	Caroline	0.044	1,012.59	230.38
Freedom District	Carroll	2.032	32,783.74	11,567.09
Hampstead	Carroll	0.477	21,635.33	2,686.27
Mount Airy	Carroll	0.678	13,415.35	3,962.69
Taneytown	Carroll	0.916	11,153.58	4,545.08
Elkton	Cecil	1.850	68,705.34	9,630.01
Harbour View	Cecil	0.054	2,087.64	317.26

ENR Wastewater Treatment Plant	County	CY 2022 Average Flow (MGD)	TN Reduction (Lbs)	TP Reduction (Lbs)
Northeast River	Cecil	1.230	25,460.85	-
Perryville	Cecil	0.669	30,547.54	3,747.17
Port Deposit	Cecil	0.086	4,214.86	507.88
Rising Sun	Cecil	0.247	11,579.15	1,323.33
Indian Head	Charles	0.440	21,296.52	2,518.08
La Plata	Charles	1.094	15,985.18	5,827.93
Mattawoman	Charles	9.419	332,599.58	2,007.07
Naval Station	Charles	0.330	16,173.30	1,687.65
Swan Point	Charles	0.090	3,835.57	509.58
Cambridge	Dorchester	3.080	49,691.89	16,970.25
Hurlock	Dorchester	1.213	59,079.89	7,015.74
Ballenger Creek	Frederick	7.142	126,097.58	41,960.06
Brunswick	Frederick	0.598	28,033.73	3,440.50
Emmitsburg	Frederick	0.470	20,602.47	2,360.70
Fort Detrick	Frederick	0.765	39,122.77	4,541.04
Frederick	Frederick	5.974	96,382.90	29,824.14
Thurmont	Frederick	0.560	10,057.71	3,255.97
Aberdeen	Harford	1.753	28,816.06	10,085.62
APG-Aberdeen	Harford	0.388	17,480.44	2,326.79
APG- Edgewood	Harford	0.731	35,158.75	4,161.19
Havre de Grace	Harford	1.895	29,996.56	10,498.80
Joppatowne	Harford	0.816	14,903.91	4,446.33
Sod Run	Harford	10.355	173,369.11	57,369.41
Little Patuxent	Howard	17.226	340,844.83	44,047.64
Betterton	Kent	0.029	1,350.67	172.14
Chestertown	Kent	0.728	32,798.35	4,365.73
Galena	Kent	0.022	971.07	113.85
Damascus	Montgomery	0.781	15,691.12	4,612.24
Poolesville	Montgomery	0.541	9,222.41	3,112.56
Seneca	Montgomery	13.726	238,164.90	6,768.90
Bowie	Prince George's	1.503	26,536.64	3,705.98
Parkway	Prince George's	6.243	127,328.92	16,153.67

ENR Wastewater Treatment Plant	County	CY 2022 Average Flow (MGD)	TN Reduction (Lbs)	TP Reduction (Lbs)
Piscataway	Prince George's	24.486	521,764.83	9,689.92
Western Branch	Prince George's	21.815	458,208.59	55,781.91
Centreville	Queen Anne's	0.345	15,963.26	-
Kent Island	Queen Anne's	2.507	121,341.78	14,271.01
Queenstown	Queen Anne's	0.076	3,516.54	365.54
Sudlersville	Queen Anne's	0.064	1,753.40	366.27
Blue Plains	Regional	135.419	2,019,921.99	28,856.03
Crisfield	Somerset	0.732	36,098.16	4,345.15
ECI	Somerset	0.588	30,070.84	3,436.67
Leonardtown	St. Mary's	0.633	11,754.18	3,622.60
Marlay Taylor	St. Mary's	3.677	54,846.46	18,804.50
Easton	Talbot	2.415	122,034.92	13,894.34
Oxford	Talbot	0.096	4,208.16	558.17
Talbot Region II	Talbot	0.321	16,611.65	1,915.23
Boonsboro	Washington	0.269	13,429.35	1,629.54
Conococheague	Washington	2.198	42,152.87	11,976.77
Hagerstown	Washington	5.729	97,662.03	30,344.99
MCI	Washington	0.661	15,332.58	3,963.94
Winebrenner	Washington	0.169	8,282.69	926.02
Delmar	Wicomico	0.528	26,841.66	3,166.35
Fruitland	Wicomico	0.570	9,196.23	2,845.62
Salisbury	Wicomico	5.052	255,287.97	29,988.65
Pocomoke City	Worcester	0.672	10,023.61	3,784.43
Snow Hill	Worcester	0.303	12,082.95	1,411.21

8,851,316.36 976,492.92

Annual O&M Grants for the Upgraded Facilities:

Starting in FY10, the law allows up to 10% of the annual fee generated from users of WWTPs to be earmarked for grants for O&M costs of ENR technologies. To ensure that each upgraded facility

receives a reasonable and fair amount of grant, MDE, in consultation with BRFAC, is allocating the base grants at the following rates:

- Minimum annual allocation per facility (for design capacity \leq 1 MGD) = \$30,000
- For facility with design capacity between 1 and 10 MGD = \$30,000 per MGD
- Maximum allocation per facility (for design capacity \geq 10 MGD) = \$300,000

In addition to the base grants specified above, on April 19, 2021, MDE adopted a change in the regulations to allow the department to provide additional funding for WWTPs achieving better than ENR. The goal is to allocate the full amount of the authorized annual O&M fund, which is approximately \$11 million per year based on \$110 million in annual revenue. After distributing the base grants based on the above rates, the remaining amount of the authorized fund is allocated to each WWTP achieving beyond ENR based on the additional load reduction achieved beyond ENR.

On July 19, 2023, the BPW approved \$11 million (under FY24 authorization) for facilities that achieved ENR level of treatment during CY22. Also, additional grants were provided for facilities achieving better than ENR level of treatment.

MDE is requesting authorization for \$11 million in FY25. The upgraded facilities will be receiving O&M grants based on the above rates if they continue to achieve ENR level of treatment in CY22.

Chesapeake Bay TMDL Implications:

In November 2009, the U.S. Environmental Protection Agency (EPA) officially transmitted the WIP guidance. EPA, in coordination with the Bay watershed jurisdictions of Maryland, Virginia, Pennsylvania, Delaware, West Virginia, New York, and Washington D.C., developed and, on December 29, 2010, established the TMDL and a nutrient and sediment pollution diet for the Chesapeake Bay, consistent with the Clean Water Act requirements. Current model estimates are that the states' Bay water quality standards can be met at basin-wide loading levels of 200 million pounds of nitrogen per year and 15 million pounds of phosphorus per year. Maryland's current target loads are 45.8 million pounds of nitrogen per year and 3.68 million pounds of phosphorus per year by 2025. Currently, Maryland's nutrient loads entering Chesapeake Bay are 52.7 million pounds of nitrogen per year and 3.62 million pounds of phosphorus per year.

Continuing to upgrade major and minor WWTPs as described above is essential for Maryland to meet its 2025 target loads. In addition, MDE is providing more incentive through the O&M grants for facilities achieving better than ENR levels of treatment.

Chapter 257 Implementation

Chapter 257 (HB 893) of 2007 - *Bay Restoration Fund - Wastewater Treatment Facilities Upgrades - Reporting Requirements* requires that “Beginning January 1, 2009, and every year thereafter, MDE and Planning shall jointly report on the impact that a wastewater treatment facility that was upgraded to enhanced nutrient removal during the calendar year before the previous calendar year with funds from the Bay Restoration Fund had on growth within the municipality or county in which the wastewater treatment facility is located.”

As required by this law, Planning and MDE have advised the BRFAC with the best available information and data analysis to address this mandate.

Available Capacity

This report addresses the following funded facilities that were upgraded to ENR with BRF, and completed prior to Jan.1, 2022, and operational for one CY:

Facility	County	Design Capacity (MGD)		Flow in CY22 (MGD)
		Original	At Upgrade	
John J. Difonzo	Allegany	15	15	10.493
George’s Creek	Allegany	0.6	0.6	0.877
North Branch	Allegany	2	2	1.36
Annapolis	Anne Arundel	13	13	9.05
Broadneck	Anne Arundel	6	6	4.115
Broadwater	Anne Arundel	2	2	1.087
Cox Creek	Anne Arundel	15	15	10.219
Maryland City	Anne Arundel	2.5	2.5	1.449
Patuxent	Anne Arundel	7.5	7.5	5.639
Back River	Baltimore City	180	180	125.93
Patapsco	Baltimore City	73	81	51.674
Chesapeake Beach	Calvert	1.32	1.5	0.741
Denton	Caroline	0.8	0.8	0.417
Federalburg	Caroline	0.75	0.75	0.271
Greensboro	Caroline	0.28	0.332	0.159
Freedom District	Carroll	3.5	3.5	2.032
Mount Airy	Carroll	1.2	1.2	0.678
Taneytown	Carroll	1.1	1.1	0.916
Elkton	Cecil	2.7	3.05	1.85
Harbour View	Cecil	.065	.065	0.054
Northeast River	Cecil	2	2	1.23
Perryville	Cecil	1.65	2	0.669
Rising Sun	Cecil	0.275	0.5	0.247
Indian Head	Charles	0.5	0.5	0.44
La Plata	Charles	1.5	1.5	1.094

Facility	County	Design Capacity (MGD)		Flow in CY22 (MGD)
		Original	At Upgrade	
Cambridge	Dorchester	8.1	8.1	3.08
Hurlock	Dorchester	2	1.65	1.213
Ballenger Creek	Frederick	6	15	7.142
Brunswick	Frederick	0.7	1.4	0.598
Emmitsburg	Frederick	0.75	0.75	0.47
Frederick	Frederick	8	8	5.974
Thurmont	Frederick	1	1	0.56
Aberdeen	Harford	4	4	1.753
Havre De Grace	Harford	1.89	3.03	1.895
Joppatowne	Harford	0.95	0.95	0.816
Sod Run	Harford	20	20	10.355
Little Patuxent	Howard	25	29	17.226
Betterton	Kent	0.2	0.146	0.029
Chestertown	Kent	0.9	0.9	0.728
Galena	Kent	0.08	0.11	0.022
Damascus (WSSC)	Montgomery	1.5	1.5	0.781
Poolesville	Montgomery	0.75	0.75	0.541
Seneca (WSSC)	Montgomery	26	26	13.726
Blue Plains	Regional	169.6	169.6	135.419
Bowie	Princes George's	3.3	3.3	1.503
Parkway (WSSC)	Prince George's	7.5	7.5	6.243
Piscataway (WSSC)	Prince George's	30	30	24.486
Western Branch (WSSC)	Prince George's	30	30	21.815
Kent Narrows	Queen Anne's	2	3	2.507
Queenstown	Queen Anne's	0.085	0.2	0.076
Sudlersville	Queen Anne's	0.20	0.2	0.064
Crisfield	Somerset	1	1	0.732
Leonardtown	St. Mary's	0.68	0.68	0.633
Marlay Taylor	St. Mary's	6	6	3.677
Easton	Talbot	2.35	4	2.415
Oxford	Talbot	0.15	0.15	0.096
Talbot Region II	Talbot	0.5	0.66	0.321
Boonsboro	Washington	0.46	0.53	0.269
Conococheague	Washington	4.1	4.5	2.198
Hagerstown	Washington	8	8	5.729
MCI	Washington	1.6	1.6	0.661
Winebrenner	Washington	1	0.6	0.169
Delmar	Wicomico	0.65	0.85	0.528
Fruitland	Wicomico	0.8	0.8	0.57
Salisbury	Wicomico	6.8	8.5	5.052
Pocomoke City	Worcester	1.47	1.47	0.672

Facility	County	Design Capacity (MGD)		Flow in CY22 (MGD)
		Original	At Upgrade	
Snow Hill	Worcester	0.5	0.5	0.303

2023 BRF Analysis Findings

Methodology

MDP conducts a BRF analysis for each CY as directed by Chapter 257 (HB 893) of 2007 - *Bay Restoration Fund - Wastewater Treatment Facilities Upgrades - Reporting Requirements*. The purpose is to provide the BRAC and legislature with information on the impact that ENR-upgraded WWTPs may have on growth in the municipalities and counties in which the facility is located. Growth is measured before and after ENR upgrades within existing sewer service area boundaries and PFAs using Geographical Information System mapping software. These findings help assess changes in growth patterns, the capacity of the upgraded facility to meet the demands of current, and future users, and possible changes in development patterns that could be influenced by upgrades.

MDP works with every county and many municipalities to maintain and annually update the Statewide Sewer Service Data layer to ensure as accurate a representation as possible. MDP has successfully conducted a BRF analysis each year since 2009 by utilizing the most recently published data from Maryland Property View and MDP’s Sewer Service Data layers. It should be noted that data for each of these datasets affects the annual findings.

In 2018, MDP updated the BRF analysis methodology to confirm data boundary discrepancies within the existing sewer service areas both before and after ENR technology implementation, resulting in improved data outputs. MDP is committed to continuous improvement to its processes, contributing to the overarching goal of restoring water quality in the Chesapeake Bay.

Available Capacity

An ENR upgrade can create the possibility for capacity expansion beyond the original design capacity. However, the limitations of the WWTP nutrient discharge caps established by Maryland’s Point Source Policy for the Bay¹ heavily influence whether that possibility can become reality, notwithstanding new treatment technologies or the use of multiple discharge means or wastewater reuse. As required by state regulations that guide county water and sewer plans, to date, all ENR upgrades and plant expansions have been found to be consistent with locally adopted and approved

¹ Annual nutrient load caps for major WWTPs were based on an annual average concentration of 3 mg/l total nitrogen and 0.3 mg/l total phosphorus, at the approved design capacity of the plant. Design capacity for major WWTPs met both of the following two conditions: (1) A discharge permit was issued based on the plant capacity, or MDE issued a letter to the jurisdiction with design effluent limits based on the new capacity as of April 30, 2003; (2) Planned capacity was either consistent with the MDE-approved County Water and Sewer Plan as of April 30, 2003, or shown in the locally-adopted Water and Sewer Plan Update or Amendment to the County Water and Sewer Plan, which was under review by MDE as of April 30, 2003 and subsequently approved by MDE.

comprehensive plans. Our analyses show that the nutrient discharge caps following the ENR upgrades have not had any noted compromising effects on development.

MDP's Findings

For this year's reporting period, MDP reviewed development served by 67 major and minor WWTPs with ENR upgrades completed within the timeframe specified in Chapter 257 (HB 893) of 2007 - *Bay Restoration Fund - Wastewater Treatment Facilities Upgrades - Reporting Requirements*. The selection of ENR upgrades to be analyzed in this annual report is based on the following criteria: (1) ENR upgrades completed before January 1, 2022, and (2) have been operational for one calendar year. Two new ENR WTP upgrades are included in this year's report: Betterton (Kent County) became operational on 3/23/21 and Oxford (Talbot County) became operational on 3/1/21. This report also now includes the Boonsboro and Centreville WWTPs, which had inadvertently been left out previously; Boonsboro became operational in October 2009 and Centreville become operation in July 2013 Table 1 (Attachment 1) summarizes the ENR upgrades that are completed, operational, and meet the criteria.

Table 1 depicts growth activity by the number of connections before and after an ENR upgrade. The starting point for each plant's reporting is the CY prior to the start of ENR funding; the year in which the ENR upgrade was completed and became operational is included. The number of connections before ENR funding, and the current number of connections, which includes connections to new development on sewer as well as connections of existing septic systems to sewer is summarized by WWTP. Existing sewer service area boundaries are depicted as "S1" in Table 1, and are typically defined as areas where a sewer system is existing, the system is under construction, or an area is in the final planning stages and service is intended within two years.

The table compares development in and outside PFAs (see Columns D, G, and K), which are designated by local governments and recognized by the state as areas to concentrate growth and development due to the presence of existing or planned infrastructure. BRF funding is not restricted to PFAs, but PFAs provide a useful geographic frame of reference for reviewing possible effects of BRF upgrades on growth as required by the legislation.

Table 1 distinguishes new ENR upgrades since the last reporting period. Columns J and K in the table show the difference between last year's data and this year's data. This indicates how many improved parcels were connected within each sewer shed and how many parcels within the PFA had connections in the sewer shed within the last year.

MDP's analysis shows the Mattawoman WWTP has had the largest total increase of connections since conversion to ENR (which was completed in 2007), with an increase of 10,270 connections (see Column I in Table 1). Overall, the Baltimore region had the largest regional total increase of new connections since conversion of WWTPs to ENR with 33,760 connections. Statewide, there was an increase of 35,373 additional improved parcels within "S1" (existing sewer) connected during this year's reporting period. Overall, 80,449 improved parcels have been connected since WWTPs statewide have been upgraded to ENR.

Regarding connections to parcels within PFAs, MDP expresses concern about those WWTPs that have connected relatively few parcels within PFAs since being upgraded to ENR compared to the majority of WWTPs. These include the Western Branch WWTP in Prince George's County (only 83.6% of connected parcels within the PFA), Kent Island WWTP in Queen Anne's County (84.3%),

Talbot Region II WWTP in Talbot County (69.3%), Broadwater WWTP in Anne Arundel County (82.8%), Mattawoman WWTP in Charles County (83.8%), and Chesapeake Beach WWTP in Calvert County (81.2%). State funding for WWTP improvements is not as wisely spent when the funding supports lower density growth that consumes more farmland and forest land than higher density growth supported by PFAs. It should be noted that in some cases connected parcels outside of the PFA may qualify with the requirements of the PFA law, but the local government has not formally designated the area as a PFA.

Although every effort is made to ensure data is current and correct, there may be significant increases or decreases of new connections from year-to-year. For example, the number of total improved parcels with existing sewer (Column F) may appear to decrease from one year to the next. However, the reason for the decrease may not be related to the number of improved parcels no longer having sewer, but rather adjustments in the MDProperty View data, the PFA layer, or the sewer layer. MDP evaluates many factors that play a part in source data and findings, and makes adjustments or corrections, where necessary. This year's report used May 2023 Statewide Points and Polygons MDProperty View data available on the open data downloads site.

OSDS Upgrade Program

Program Implementation

The BRF Septic System Upgrade Program provides funding for the upgrade of OSDS to the BAT for nitrogen removal and for connecting properties to sewer for conveyance of flows to ENR/BNR WWTPs. The program is managed at the county level with MDE oversight and assistance, with day-to-day management performed mostly by county health departments, but in some counties the county environmental departments or a nonprofit consultant assists in managing the program. The Canaan Valley Institute, a nonprofit corporation based in West Virginia, provides program management for Allegany County, Carroll County, Frederick County, Howard County, Montgomery County, and Washington County.

The BRF statute (Annotated Code of Maryland under 9-1605.2) requires that funding priority for BAT installations be “first given to failing septic systems and holding tanks in the Chesapeake and Atlantic Coastal Bays Critical Areas and then to failing septic systems that the Department (MDE) determines are a threat to public health or water quality.” Chapter 280 (SB 554) Acts of 2009, requires new and replacement septic systems serving property in the Critical Areas to include the BAT for removing nitrogen. In addition, Code of Maryland Regulation (COMAR) 26.04.02.07 effective Jan. 1, 2013, requires all OSDS installed in the Chesapeake Bay and Coastal Bays watersheds for new construction to include BAT.

All BATs must be inspected and have the necessary operation and maintenance performed by a certified service provider at a minimum of once per year for the life of the system. The regulations also require that both individuals that install BATs and individuals that perform operation and maintenance complete a course of study approved by MDE to maintain professional certification.

On Nov. 14, 2016, MDE finalized a regulatory change to COMAR 26.04.02.07. This regulatory change has reformed the universal requirement that BAT units be installed outside of the Critical Area for all new construction, unless the local jurisdiction enacts a code in order to protect public health or waters of the state, or the system design is 5,000 gallons per day or greater.

Consistent with the above, MDE requires all new grant recipients to prioritize applications for financial assistance based on the following:

1. Failing OSDS or holding tanks in the Critical Areas
2. Failing OSDS or holding tanks not in the Critical Areas
3. Non-Conforming OSDS in the Critical Areas
4. Non-conforming OSDS outside the Critical Areas
5. Other OSDS in the Critical Areas, including new construction
6. Other OSDS outside the Critical Areas, including new construction

The program guidance and other information are available on MDE's Onsite Disposal Systems website.

The webpage below (under financial Reports) shows BRF funded BAT installations and sewer connections for FY23. During this FY, 720 BAT installations were completed, and 173 septic systems were eliminated by connecting the dwellings to public sewer.

The Septic Stewardship Program was created to:

1. Allow nitrogen reduction from OSDS to be counted in the WIP only if the operation and maintenance of the systems are current;
2. Allow nitrogen reduction from pumping out of OSDS to be counted in the WIP if they are part of a local Septic Stewardship Plan;
3. Allow local jurisdictions to provide financial assistance (not to exceed 10% of their allocated funds) toward the pumping out of OSDS; and
4. Allow MDE to provide financial assistance to local jurisdictions in FY20 and FY21 to develop Septic Stewardship Plans.

The Septic Stewardship Program became effective October 2, 2018, which allows local jurisdictions the availability to develop plans with FY20 and FY21 funds. MDE introduced the program through regional workshops involving the WIP in June 2018. Conceptual septic stewardship plans have been provided to each county health department or local approving authority, acknowledging that each plan should be customized to address local goals. Despite efforts to promote the program and the availability of funding to develop plans, no counties have elected to participate in this voluntary program.

The BRF continues to promote sewer connection to BNR/ENR WWTPs. This includes working with counties on sewer planning activities, including ensuring adequate local wastewater treatment capacity and PFA compliance for areas where counties are looking to expand their sewer service and perform sewer connections.

BAT CLASSIFICATION DEFINITIONS

Effective on July 1, 2015, there are five different classifications of BAT. Each of these classifications works in conjunction with Regulation 26.04.02 for the reduction of nitrogen through OSDS. This classification is intended only to classify the use of BAT systems on domestic wastewater usage. Domestic wastewater is defined by the BAT Technical Review Committee (TRC) as having a TN influent concentration of 60 mg/L. Supporting documents that clearly and concisely define the methods in which each of these classifications can be used are on MDE's webpage for reference.

BAT Class I systems are standalone units that are approved through MDE protocols as BAT units capable of reducing TN to 30 mg/L or less. These units are currently on the approved BAT list and have successfully completed the field verification process. The flow chart for approval of BAT Class I units is available on MDE's website.

BAT Class II systems are standalone units that are undergoing field verification for BAT Class I. Upon successful completion of the field verification, they will become BAT Class I. All requirements and guidance for BAT Class I apply to BAT Class II technologies. Technologies that do not reduce the effluent nitrogen to 30 mg/l or less will be either removed from the BAT listing, enter a modified field verification process (contingent on prior approval from BAT TRC), or be classified as BAT Class III at the discretion of the BAT TRC and working with the manufacturer's representative.

BAT Class III systems are pretreatment technologies approved by MDE as capable of reducing nitrogen to 48 mg/L effluent. These technologies may only be installed as BAT when paired with a BAT Class IV soil disposal system. BAT Class III technologies must have one of the following certifications: National Sanitation Foundation (NSF) 245, NSF 40 Class I, CAN/BNQ 3680-600, CEN Standard 12566-3 or equivalent. Technologies proposed as BAT Class III, must first apply to MDE for BAT classification using the technology application found on the MDE website. The application needs to be accompanied by the final report of the verification organization. Once submitted to the BAT TRC, analysis of the data and the application will begin. The BAT TRC will analyze the TN reduction capabilities of the unit. If the analysis of data concludes, the unit will not reduce TN to 48 mg/L, the technology will be denied entry into the BAT program.

BAT Class IV systems are OSDS that are installed above, at, or just below (12-inch maximum depth) grade and are thus capable of reducing effluent TN by 30%. For inclusion as a BAT in Maryland, these units are to be paired with a BAT Class III, Class II, or Class I system. No modification of this is authorized unless applied for and approved by MDE on a case-by-case basis.

BAT Class IV systems, installed under the BAT classification, must be maintained on the same frequency as any BAT in accordance with COMAR Regulation 26.04.02.07. Since no specific manufacturer is tied to this type of system, the operation and maintenance provider of the BAT Class III, II, or I unit must successfully complete the MDE-approved course for the Installation and Operation and Maintenance of the specific system.

Sand Mound, At Grade Systems, and Low-Pressure Dosing are addressed in COMAR 26.04.02.05. All practices and criteria listed in this regulation must be applied when installing these as BAT. All

installation contractors of sand mounds must be certified by MDE. The MDE Design and Construction Manual for Sand Mound Systems and the Construction Manual for At Grade systems is to be utilized for the latest and best installation practices for these systems. Information sheets are available for each system type.

SAND MOUNDS – An elevated sand mound system is an OSDS that is elevated above the natural soil surface in a suitable sand fill material. Gravel-filled absorption trenches or beds are constructed in the sand fill, and the effluent is pumped into the absorption area through a pressure distribution network. Pretreatment of sewage occurs either in a septic tank or advanced pretreatment unit, and additional treatment occurs as the effluent moves downward through the sand fill and into the underlying natural soil. The sand mound must be installed over a natural surface, A or B horizon. No BAT credit is given to sand mounds installed over sand or loamy sand soils. Please refer to, “BAT Class IV: Sand Mound,” for exact details as to what is needed to qualify for BAT Classification.

AT-GRADE SYSTEMS – The at-grade system is an OSDS that utilizes a raised bed of gravel or stone over the natural soil surface with a pressure distribution system constructed to equally distribute the pre-treated effluent along the length of the gravel bed. The purpose of the design is to overcome site limitations that prohibit the use of conventional trench or seepage pit OSDS. Please refer to, “BAT Class IV: At-Grade Mound Systems,” for exact details as to what is needed to qualify for BAT Classification.

SHALLOW PLACED LOW-PRESSURE DISTRIBUTION – Shallow-placed pressure dosing allows for uniform distribution of effluent at a depth not to exceed 12 inches across the entire dispersal field. Dosing allows for the creation of fluctuating aerobic/anoxic environments, which sets up the conditions for nitrification and denitrification to occur. Please refer to, “BAT Class IV: Shallow-Placed Pressure-Dosed Dispersal,” for exact details as to what is needed to qualify for BAT Classification.

BAT Class V systems are technologies that mitigate the impact of TN on groundwater, but do not fit into any of the above BAT classifications. As systems are identified that will apply for classification as BAT Class V, the BAT TRC will develop a concise plan for the unit to enter the BAT classification. Examples include, but are not limited to, waterless toilets, and individually engineered peat systems.

Cover Crop Activities

Recent Program Streamlining and Targeting to Achieve Maximum Nutrient Reduction:

In FY23, MDA continued to implement a targeting strategy to maximize nutrient reduction effectiveness of cover crops. The 2023 program included incentives to:

1. Plant aerially into standing corn;
2. Plant cover crops as early as possible in the fall;
3. Use planting methods that maximize seed to soil contact to assure germination and early growth; and
4. Delay termination of the cover crop until May 1, 2023.

MDA has applied these criteria by structuring the incentive payments to reward farmers who adhered to one or more of these priorities. They are based both on historical surveys (Schaefer Center of Public Policy at the University of Baltimore) of farm operators' opinions to streamline and adapt the program to be responsive to participants while maximizing water quality benefits.

In addition, MDA continued to offer a multi-year contract option consistent with recommendations by the state's Soil Health Advisory Committee. This Cover Crop+ Program promotes soil health benefits associated with cover crop implementation. Management practices, such as, requiring at least 50% cereal grains and 25% legumes into the cover crop mix, maintaining year-round soil cover, and allowing livestock grazing on established cover crop fields, not only provide water quality benefits, but also improve soil health.

Status of Implementation of BRF for Cover Crop Activities:

MDA's cumulative portion of BRF is \$157,400,333 as of June 30, 2023. In FY23, \$12.9 million from BRF was supplemented by an additional \$11.2 million from the Trust Fund to fund the Cover Crops Program.

Unlike in previous years where planting extensions were given due to weather, the MDA allowed farmers to plant cover crops between November 6 and November 15 at a reduced (\$45/acre) payment rate. However, farmers were not eligible for incentives and those acres must have been planted using one of the approved incorporated planting methods and were limited to certain cover crop species.

It is with great pleasure that the BRFAC acknowledges the steadfast, commitment, and unwavering service of the professionals who have contributed their time, energy, and efforts toward the production of this report, annually for over 10 years. Thank you!

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Table 1: Connections to Wastewater Treatment Facilities Upgraded to ENR

			Connections Before ENR Funding					Total Connections Upgraded since Conversion to ENR				Upgraded Connections Since Last Reporting Period	
ENR WWTP	County	ENR Upgrade Completed and Operational (Month-Year)	Column A: Reporting Year before ENR Funding	Column B: Number of Improved Parcels in the Sewer-shed	Column C: Number of Improved Parcels in Existing Service Area ("S1")	Column D: Number of Improved Parcels in "S1" within PFA	Column E: % of Connections Located in "S1" & PFA (Column D ÷ C)	Column F: Total Improved Parcels in S1	Column G: Total Improved Parcels in S1 & PFA	Column H: % Total Improved Parcels Located in "S1" within PFA (Column G ÷ F)	Column I: Total Increase Improved Parcels in S1 (Total Number New Connections)	Column J: Difference in Improved Parcels in S1	Column K: Difference in Improved Parcels in S1 & PFA
Western Region													
North Branch	ALLE	Nov-06	2005	1,913	1,801	1,794	99.6%	1,833	1,816	99.1%	32	-2	-2
Boonsboro	WASH	Oct-09	2008	1,350	1,139	1,137	99.8%	1,173	1,171	99.8%	34	3	1
George's Creek	ALLE	Nov-10	2009	2,069	1,938	1,876	96.8%	2,008	1,948	97.0%	70	28	27
City of Cumberland	ALLE	Feb-11	2010	17,656	16,412	16,243	99.0%	16,753	16,598	99.1%	341	13	12
City of Hagerstown	WASH	Dec-10	2009	21,975	18,825	17,769	94.4%	20,798	20,522	98.7%	1,973	262	262
Winebrenner	FRED/ WASH	Feb-17	2016	455	455	446	98.0%	465	456	98.1%	10	2	2
Conococheague	WASH	Mar-18	2017	6,550	5,980	5,980	100.0%	6,304	6,304	100.0%	324	117	117
Western Region Total				51,968	46,550	45,245	97%	49,334	48,815	98.9%	2,784	1,593	1,589
Washington Region													
City of Brunswick	FRED	Sep-08	2007	2,446	1,957	1,957	100.0%	2,290	2,290	100.0%	333	4	4
Town of Thurmont	FRED	Apr-13	2012	2,385	2,345	2,204	94.0%	2,399	2,256	94.0%	54	0	-16

			Connections Before ENR Funding					Total Connections Upgraded since Conversion to ENR				Upgraded Connections Since Last Reporting Period	
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Town of Poolesville	MONT	Jul-10	2009	1,742	1,719	1,651	96.0%	2,044	1,975	96.6%	325	242	244
Damascus	MONT	Feb-13	2012	3,997	3,793	3,437	90.6%	3,903	3,540	90.7%	110	99	96
City of Bowie	PRIN	Feb-11	2010	20,712	20,559	20,269	98.6%	20,851	20,616	98.9%	292	68	69
Parkway	PRIN	Jul-13	2012	15,470	15,394	15,383	99.9%	15,903	15,819	99.5%	509	60	105
Piscataway	PRIN	May-13	2012	56,296	55,007	51,954	94.4%	58,751	53,816	91.6%	3,744	235	153
Western Branch (WSSC)	PRIN	Apr-16	2015	45,533	43,438	38,554	88.8%	48,295	40,377	83.6%	4,857	136	6
Blue Plains	PRIN/MONT	Apr-16	2015	330,121	327,437	319,529	97.6%	337,454	328,412	97.3%	10,017	3,178	2,418
Seneca (WSSC)	MONT	Apr-16	2015	60,161	57,387	56,911	99.2%	61,170	60,506	98.9%	3,783	3,083	2,897
Ballenger Creek	FRED	Apr-16	2015	21,554	17,110	17,105	100.0%	17,565	17,049	97.1%	455	20	-491
Town of Emmitsburg	FRED	Mar-16	2015	927	824	791	96.0%	862	829	96.2%	38	22	22
Frederick	FRED	Jun-18	2017	24,627	22,666	22,666	100.0%	23,056	23,054	100.0%	390	147	145
Washington Region Total				585,971	569,636	552,411	97%	594,543	570,539	96.0%	24,907	7,294	5,652

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Upper Eastern Shore Region													
Town of Elkton	CECI	Dec-09	2008	6,000	4,926	4,925	100%	5,170	5,167	99.9%	244	5	5
Town of Perryville	CECI	Dec-10	2009	1,704	1,508	1,508	100%	1,565	1,564	99.9%	57	0	0
Rising Sun	CECI	Apr-16	2015	1,052	856	846	98.8%	869	862	99.2%	13	3	3
Town of Chestertown	KENT	Jun-08	2007	1,772	1,742	1,562	89.7%	1,977	1,749	88.5%	235	48	25
Kent Island (KNSG)	QUEE	Aug-07	2006	6,590	6,401	5,974	93.3%	8,370	7,053	84.3%	1,969	988	64
Town of Denton	CARO	May-12	2011	1,508	1,097	1,095	99.8%	1,590	1,583	99.6%	493	5	5
Town of Federalsburg	CARO	Aug-10	2009	881	827	817	98.8%	829	819	98.8%	2	0	1
Town of Easton	TALB	Jun-07	2006	5,810	5,831	5,822	99.8%	6,723	6,666	99.2%	892	15	15
Talbot Region II	TALB	Oct-08	2007	2,289	2,214	1,981	89.5%	3,196	2,214	69.3%	982	11	11
Centreville	QUEE	Jul-13	2012	1,643	1,641	1,310	79.8%	1,834	1,834	100.0%	193	2	2
Northeast River	CECI	Oct-16	2015	5,714	4,459	3,931	88.2%	4,801	4,715	98.2%	342	6	6

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Town of Queenstown	QUEE	Oct-16	2015	333	300	299	99.7%	334	334	100.0%	34	0	0
Greensboro	CARO	Jun-17	2016	727	687	687	100%	816	797	97.7%	129	125	106
Sudlersville	QUEE	Mar-18	2017	187	186	186	100%	189	189	100.0%	3	3	3
Galena	KENT	Dec-18	2017	374	296	274	92.6%	344	312	90.7%	48	48	38
Oxford WWTP (new)	TALB	Mar-21	2020	581	579	579	100%	579	579	100%	0	N/A	N/A
Betterton (new)	KENT	Mar-21	2020	258	258	256	99.2%	269	256	95.2%	11	N/A	N/A
New Facilities Upgraded During Reporting Period				839	837	835	99.8%	848	835	98.5%	11	N/A	N/A
Upper Eastern Shore Total				36,584	32,971	32,052	97%	39,455	36,693	93%	6,484	3,939	2,951
Lower Eastern Shore Region													
City of Cambridge	DORC	Dec-13	2012	5,861	5,418	5,293	97.7%	5,530	5,511	99.7%	112	109	109
Town of Hurlock	DORC	May-06	2005	769	703	703	100%	809	807	99.8%	106	2	2
Town of Delmar	WICO	Sep-11	2010	1,107	932	824	88.4%	1,046	927	88.6%	114	22	21

			Connections Before ENR Funding					Total Connections Upgraded since Conversion to ENR				Upgraded Connections Since Last Reporting Period	
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City of Pocomoke	WORC	Oct-11	2010	1,893	1,607	1,585	98.6%	1,653	1,633	98.8%	46	20	26
City of Crisfield	SOME	Aug-10	2009	2,495	2,044	1,735	84.9%	2,086	1,978	94.8%	42	33	168
Town of Snow Hill	WORC	Jun-14	2013	900	930	882	94.8%	976	933	95.6%	46	21	20
City of Fruitland	WICO	Nov-16	2015	2,237	1,847	1,788	96.8%	2,066	1,932	93.5%	219	23	3
Salisbury	WICO	Jan-18	2017	10,794	10,705	10,500	98.1%	11,063	10,854	98.1%	358	27	27
Lower Eastern Shore Total				26,056	24,186	23,310	96%	25,229	24,575	97.4%	1,043	255	374
Baltimore Region													
Town of Mount Airy	CARR/FRED	Nov-10	2009	3,336	3,145	3,145	100%	3,433	3,431	99.9%	288	-6	-6
Joppatowne/Sod Run	HARF	Nov-13	2012	51,174	48,459	48,195	99.5%	52,356	51,977	99.3%	3,897	3,103	2,990
City of Havre De Grace	HARF	May-10	2009	5,098	4,898	4,782	97.6%	5,861	5,858	99.9%	963	179	179
Little Patuxent	HOWA	Sep-12	2011	56,997	50,848	50,833	100%	59,357	59,284	99.9%	8,509	101	101

			Connections Before ENR Funding					Total Connections Upgraded since Conversion to ENR				Upgraded Connections Since Last Reporting Period	
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City of Aberdeen	HARF	Mar-15	2014	5,098	4,524	4,443	98.2%	4,953	4,872	98.4%	429	402	402
Broadneck	ANNE	May-15	2014	30,847	21,172	20,454	96.6%	23,002	21,957	95.5%	1,830	1,135	891
Maryland City	ANNE	Mar-15	2014	4,522	4,394	4,376	99.6%	4,958	4,933	99.5%	564	394	394
Patuxent	ANNE	Mar-15	2014	24,037	22,886	22,440	98.1%	28,643	27,900	97.4%	5,757	4,728	4,371
City of Annapolis	ANNE	Apr-16	2015	31,823	28,384	27,466	96.8%	29,216	28,334	97.0%	832	370	412
Broadwater	ANNE	Apr-16	2015	4,919	4,694	3,902	83.1%	4,761	3,944	82.8%	67	16	4
City of Taneytown	CARR	Jul-16	2015	2,647	2,486	2,485	100%	2,654	2,651	99.9%	168	154	152
Back River	BACI/BACO	Sep-17	2016	313,624	311,468	309,249	99%	317,758	315,631	99.3%	6,290	4,864	4,702
Mayo	ANNE	Oct-17	2016	3,410	3,316	3,066	92%	3,440	3,138	91.2%	124	53	8
Cox Creek	ANNE	Jan-18	2017	48,105	42,688	41,792	98%	45,331	44,214	97.5%	2,643	2,340	2,187
Freedom District	CARR	Mar-18	2017	8,535	7,336	7,336	100%	7,595	7,575	99.7%	259	21	21

			Connections Before ENR Funding					Total Connections Upgraded since Conversion to ENR				Upgraded Connections Since Last Reporting Period	
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Patapsco	BACI/BACO	Jan-20	2019	152,850	148,409	147,691	100%	149,549	148,685	99.4%	1,140	915	791
Baltimore Region Total				747,022	709,107	701,655	99%	742,867	734,384	98.9%	33,760	17,854	16,808
Southern Maryland Region													
Mattawoman	CHAR/PRIN	Nov-07	2006	29,453	27,029	23,576	87.2%	37,299	31,250	83.8%	10,270	4,339	3,769
Town of Indian Head	CHAR	Jan-09	2008	1,409	1,317	1,317	100%	1,521	1,521	100.0%	204	42	42
Town of La Plata	CHAR	Dec-14	2013	3,164	3,213	3,132	97.5%	3,831	3,830	100.0%	618	56	71
Marlay Taylor	STMA	Aug-16	2015	12,420	7,996	7,984	99.8%	8,339	8,327	99.9%	343	3	3
Chesapeake Beach	CALV	Nov-17	2016	4,041	3,320	2,694	81.1%	3,342	2,713	81.2%	22	-3	-1
Leonardtown	STMA	Aug-17	2016	1,640	1,089	936	86.0%	1,103	949	86.0%	14	1	1
Southern Maryland Total				52,127	43,964	39,639	90%	55,435	48,590	87.7%	11,471	4,438	3,885
Statewide													
New Facilities Upgraded During Reporting Period			N/A	839	837	835	99.8%	848	835	98.5%	11	N/A	N/A

			Connections Before ENR Funding					Total Connections Upgraded since Conversion to ENR				Upgraded Connections Since Last Reporting Period	
ENR WWTP	County	ENR Upgrade Completed and Operational (Month-Year)	Column A: Reporting Year before ENR Funding	Column B: Number of Improved Parcels in the Sewer-shed	Column C: Number of Improved Parcels in Existing Service Area ("S1")	Column D: Number of Improved Parcels in "S1" within PFA	Column E: % of Connections Located in "S1" & PFA (Column D ÷ C)	Column F: Total Improved Parcels in S1	Column G: Total Improved Parcels in S1 & PFA	Column H: % Total Improved Parcels Located in "S1" within PFA (Column G ÷ F)	Column I: Total Increase Improved Parcels in S1 (Total Number New Connections)	Column J: Difference in Improved Parcels in S1	Column K: Difference in Improved Parcels in S1 & PFA
Statewide Totals				1,499,728	1,426,414	1,394,312	98%	1,506,863	1,463,596	97.1%	80,449	35,373	31,259

Notes:
(new) = Facilities upgraded to ENR during the reporting period.
There are a few instances since reporting began in 2009 where the total number of improved parcels in Column C varied slightly due to service boundary discrepancies. MDP has worked diligently to resolve this issue.

BRF Septic Program
Funded Installations FY24 to Date
July 1, 2023- March 31, 2024

County	Total approvals from Fiscal Year 24 Grant From 7/1/23-3/31/2024	
	# Septic Systems funded FY 24	# Sewer Connections funded FY 24
Allegany (CVI)	0	3
Anne Arundel	82	5
Baltimore	18	7
Calvert	65	0
Caroline	11	0
Carroll (CVI)	6	0
Cecil	15	8
Charles	16	0
Dorchester	20	0
Frederick (CVI)	6	0
Garrett	4	0
Harford	11	1
Howard (CVI)	1	3
Kent	7	0
Montgomery (CVI)	5	2
Prince George's	0	0
Queen Anne's	33	0
Somerset	10	1
St. Mary's	29	1
Talbot	23	0
Washington (CVI)	4	0
Wicomoco	9	0
Worcester	0	0
Totals	375	31

**Comptroller of Maryland
Revenue Administration Division
Bay Restoration Fee - By County
Program To Date Through December 2023**

	<u>Sewer</u>	<u>Septic</u>	<u>Liability</u>	<u>Collection</u>	<u>Returns w/\$</u>	<u>Zero \$ Returns</u>	<u>Expenses Claimed</u>	<u>Expenses Paid</u>
100 Allegany	\$25,828,902	\$4,786,010	\$30,614,912	\$30,332,436	767	65	\$282,476	288,960
200 Anne Arundel	\$159,412,529	\$40,486,160	\$199,898,690	\$199,199,444	950	254	\$699,246	697,911
300 Baltimore County	\$207,609,191	\$3,505,693	\$211,114,883	\$211,097,234	244	108	\$17,649	17,681
400 Baltimore City	\$278,382,825	\$28,209,062	\$306,591,886	\$306,359,302	636	173	\$232,584	261,346
500 Calvert	\$6,894,835	\$25,460,250	\$32,355,085	\$31,914,062	615	35	\$441,023	492,792
600 Caroline	\$4,775,907	\$8,156,194	\$12,932,101	\$12,860,954	600	18	\$71,147	79,648
700 Carroll	\$18,798,049	\$41,947,401	\$60,745,450	\$60,443,466	872	129	\$301,983	649,317
800 Cecil	\$16,734,276	\$21,940,467	\$38,674,743	\$38,357,255	1622	132	\$317,489	408,046
900 Charles	\$36,001,870	\$16,708,168	\$52,710,039	\$52,493,115	1806	134	\$216,923	224,961
1000 Dorchester	\$8,841,299	\$10,089,802	\$18,931,101	\$18,609,009	535	118	\$322,092	365,225
1100 Frederick	\$60,896,216	\$27,123,041	\$88,019,257	\$87,820,292	951	247	\$198,965	2,822,827
1200 Garrett	\$4,666,798	\$7,068,292	\$11,735,090	\$11,621,744	339	44	\$113,346	113,129
1300 Harford	\$57,577,020	\$30,852,578	\$88,429,599	\$87,748,629	672	156	\$680,969	687,569
1400 Howard	\$88,371,634	\$15,601,249	\$103,972,884	\$103,895,734	357	83	\$77,150	78,350
1500 Kent	\$6,416,341	\$4,404,986	\$10,821,328	\$10,712,326	583	40	\$109,002	227,756
1600 Montgomery	\$15,368,690	\$12,435,335	\$27,804,025	\$26,611,833	566	120	\$1,192,192	2,429,218
1700 Prince George's	\$552,704,117	\$26,024,478	\$578,728,595	\$568,324,545	464	186	\$10,343,650	10,383,331
1800 Queen Anne's	\$11,495,109	\$10,010,489	\$21,505,598	\$20,957,660	495	138	\$547,938	559,291
1900 St. Mary's	\$4,838,153	\$5,228,536	\$10,066,689	\$9,204,068	225	7	\$419,362	545,356
2000 Somerset	\$13,784,540	\$28,118,628	\$41,903,168	\$41,815,814	446	90	\$87,354	89,288
2100 Talbot	\$11,888,434	\$7,933,422	\$19,821,856	\$19,729,529	727	17	\$92,327	130,344
2200 Washington	\$1,440,231	\$1,400,120	\$2,840,351	\$2,691,743	189	262	\$148,609	238,749
2300 Wicomico	\$38,859,397	\$17,562,375	\$56,421,772	\$56,131,588	805	19	\$291,139	330,543
2400 Worcester	\$17,699,984	\$25,428,544	\$43,128,528	\$42,572,222	840	124	\$556,306	530,308
Undesignated	\$26,124,709	\$6,824,501	\$32,949,210	\$32,370,245	583	92	\$578,965	1,070,663
Total	\$ 1,675,411,058.42	\$ 427,305,779.77	\$ 2,102,716,838.19	\$ 2,083,874,247.60	16,889	2,791	\$ 18,339,886.40	\$ 23,722,608.73

Note - Some facilities may cross county lines in the performance of services. For example, the Washington Suburban Sanitary Commission is headquartered in Prince George's County and, as such, revenue collected by them is reported under Prince George's County. However, the Commission performs services in more than one county.

**Comptroller of Maryland
Revenue Administration Division
Bay Restoration Fee - By County
Tax Year 2023 Through December 31, 2023**

	<u>Sewer</u>	<u>Septic</u>	<u>Liability</u>	<u>Collection</u>	<u>Returns w/\$</u>	<u>Zero \$ Returns</u>	<u>Expenses Claimed</u>	<u>Expenses Paid</u>
100 Allegany	\$1,252,775	\$95,220	\$1,347,995	\$1,343,625	24		\$4,370	\$4,370
200 Anne Arundel	\$11,252,414	\$2,629,174	\$13,881,588	\$13,833,372	44	6	\$48,216	\$48,238
300 Baltimore County	\$6,914,737	\$124,326	\$7,039,063	\$7,037,314	8		\$1,749	\$1,779
400 Baltimore City	\$15,866,463	\$947,844	\$16,814,307	\$16,813,868	23	9	\$440	\$500
500 Calvert	\$258,333	\$1,195,718	\$1,454,051	\$1,428,204	23		\$25,847	\$43,753
600 Caroline	\$249,376	\$538,387	\$787,763	\$783,973	27		\$3,791	\$7,701
700 Carroll	\$936,685	\$2,634,728	\$3,571,413	\$3,556,061	41	5	\$15,352	\$42,639
800 Cecil	\$910,462	\$1,000,783	\$1,911,245	\$1,894,622	53	1	\$16,623	\$24,662
900 Charles	\$2,061,714	\$1,089,734	\$3,151,449	\$3,135,682	85		\$15,767	\$16,795
1000 Dorchester	\$675,321	\$321,424	\$996,745	\$983,290	21	3	\$13,455	\$13,910
1100 Frederick	\$4,142,352	\$1,840,281	\$5,982,633	\$5,971,247	37	8	\$11,386	\$263,400
1200 Garrett	\$194,656	\$351,112	\$545,768	\$539,519	12		\$6,249	\$6,249
1300 Harford	\$3,765,590	\$1,855,182	\$5,620,772	\$5,599,909	30	1	\$20,863	\$24,129
1400 Howard	\$4,587,435	\$1,052,520	\$5,639,956	\$5,638,713	13		\$1,243	\$1,183
1500 Kent	\$369,534	\$193,631	\$563,166	\$557,804	27	2	\$5,362	\$34,003
1600 Montgomery	\$871,354	\$38,402	\$909,755	\$870,969	16	4	\$38,787	\$108,444
1700 Prince George's	\$28,964,136	\$921,722	\$29,885,858	\$28,370,253	12	11	\$1,455,205	\$1,449,719
1800 Queen Anne's	\$895,493	\$459,117	\$1,354,610	\$1,317,543	23	8	\$37,067	\$38,573
1900 St. Mary's	\$320,795	\$734,028	\$1,054,823	\$1,024,245	11		\$30,578	\$38,264
2000 Somerset	\$250,281	\$2,242,950	\$2,493,231	\$2,490,240	10	3	\$2,991	\$2,991
2100 Talbot	\$669,640	\$512,767	\$1,182,407	\$1,177,139	19	2	\$5,268	\$6,975
2200 Washington	\$504,336	\$453,708	\$958,044	\$912,331	31	11	\$45,713	\$61,494
2300 Wicomico	\$2,224,171	\$989,424	\$3,213,595	\$3,199,951	34		\$14,598	\$19,825
2400 Worcester	\$775,260	\$1,585,653	\$2,360,913	\$2,309,501	30	5	\$51,412	\$51,360
Undesignated	\$1,326,711	\$60,717	\$1,387,428	\$1,374,746	21		\$12,682	\$22,101
Total	\$ 90,240,024.30	\$ 23,868,553.31	\$ 114,108,577.61	\$ 112,164,119.62	675	79	\$ 1,885,012.55	\$ 2,333,057.29

Note - Some facilities may cross county lines in the performance of services. For example, the Washington Suburban Sanitary Commission is headquartered in Prince George's County and, as such, revenue collected by them is reported under Prince George's County. However, the Commission performs services in more than one county.

**Comptroller of Maryland
Revenue Administration Division
Bay Restoration Fee - By County
Third Quarter of Tax Year 2023 Through December 31, 2023**

	<u>Sewer</u>	<u>Septic</u>	<u>Liability</u>	<u>Collection</u>	<u>Returns w/\$</u>	<u>Zero \$ Returns</u>	<u>Expenses Claimed</u>	<u>Expenses Paid</u>
100 Allegany	\$0	\$0	\$0	\$0	0	0	\$0	\$0
200 Anne Arundel	\$2,660,651	\$849,474	\$3,510,125	\$3,493,168	7	1	\$16,958	\$17,126
300 Baltimore County	\$16,578	\$25,376	\$41,954	\$41,954	1	0	\$0	\$0
400 Baltimore City	\$11,854,819	\$657,544	\$12,512,363	\$12,512,252	5	2	\$112	\$125
500 Calvert	\$0	\$77,818	\$77,818	\$76,906	2	0	\$912	\$912
600 Caroline	\$42,606	\$151,713	\$194,320	\$193,839	5	0	\$481	\$1,935
700 Carroll	\$33,382	\$65,760	\$99,142	\$98,592	5	1	\$549	\$545
800 Cecil	\$63,731	\$4,077	\$67,808	\$64,506	7	0	\$3,303	\$4,955
900 Charles	\$80,442	\$12,855	\$93,297	\$89,073	19	0	\$4,224	\$4,687
1000 Dorchester	\$15,072	\$42,420	\$57,492	\$57,192	1	0	\$300	\$300
1100 Frederick	\$898,550	\$96,002	\$994,552	\$993,432	3	2	\$1,121	\$46,371
1200 Garrett	\$9,058	\$142	\$9,200	\$9,200	1	0	\$0	\$0
1300 Harford	\$728,900	\$84,924	\$813,823	\$813,267	3	0	\$556	\$556
1400 Howard	\$0	\$900	\$900	\$855	1	0	\$45	\$30
1500 Kent	\$52,868	\$150	\$53,018	\$52,682	5	0	\$336	\$8,728
1600 Montgomery	\$30,930	\$170	\$31,100	\$29,554	2	2	\$1,547	\$20,511
1700 Prince George's	\$408,846	\$252,176	\$661,022	\$600,622	2	1	\$0	\$0
1800 Queen Anne's	\$211,748	\$19,256	\$231,003	\$221,505	4	1	\$9,498	\$9,460
1900 St. Mary's	\$62,034	\$443,259	\$505,293	\$502,191	2	0	\$3,102	\$4,048
2000 Somerset	\$38,823	\$331,892	\$370,715	\$370,715	2	-1	\$0	\$0
2100 Talbot	\$53,360	\$38,511	\$91,871	\$91,339	1	0	\$532	\$532
2200 Washington	\$0	\$900	\$900	\$855	1	1	\$45	\$50
2300 Wicomico	\$52,612	\$62,660	\$115,272	\$114,078	6	0	\$2,149	\$5,285
2400 Worcester	\$39,134	\$0	\$39,134	\$38,649	1	1	\$485	\$485
Undesignated	\$335,940	\$12,910	\$348,850	\$347,283	3	0	\$1,567	\$2,260
Total	\$ 17,690,084.19	\$ 3,230,889.04	\$ 20,920,973.23	\$ 20,813,706.78	89	11	\$ 47,821	\$ 128,900

Note - Some facilities may cross county lines in the performance of services. For example, the Washington Suburban Sanitary Commission is headquartered in Prince George's County and, as such, revenue collected by them is reported under Prince George's County. However, the Commission performs services in more than one county.

Note-Comptroller is under implementation of new tax system. The information may not be complete at this time.

**Comptroller of Maryland
Distribution of Bay Restoration Fee
Fiscal Year 2024**

<u>MD Dept of Environment</u>			
<u>Line 1:</u>			
4/05 - 6/05:			
Total Fiscal Year 2005	\$ 7,022,667.18	Total Fiscal Year 2006	\$ 57,686,674.75
Total Fiscal Year 2007	\$ 69,141,379.76	Total Fiscal Year 2008	\$ 54,695,910.00
Total Fiscal Year 2009	\$ 53,339,463.89	Total Fiscal Year 2010	\$ 54,398,088.37
Total Fiscal Year 2011	\$ 55,461,809.59	Total Fiscal Year 2012	\$ 55,971,051.91
Total Fiscal Year 2013	\$ 102,145,356.32	Total Fiscal Year 2014	\$ 110,688,785.91
Total Fiscal Year 2015	\$ 109,796,411.58	Total Fiscal Year 2016	\$ 124,301,135.01
Total Fiscal Year 2017	\$ 115,989,051.47	Total Fiscal Year 2018	\$ 115,308,016.48
Total Fiscal Year 2019	\$ 107,545,498.54	Total Fiscal Year 2020	\$ 121,185,706.78
Total Fiscal Year 2021	\$ 98,087,149.34	Total Fiscal Year 2022	\$ 119,371,455.88
Total Fiscal Year 2023	\$ 114,847,299.86	Total Fiscal Year 2024	\$ 51,842,762.76

August 2023	\$ -
September	
October	28,301,218.28
November	2,270,332.34
December	
January 2024	19,863,676.50
February	1,407,535.64
March	
April	
May	
June	
FM13	
Total FY 2024	\$ 51,842,762.76

Program Grand Total \$ 1,698,825,675.38

<u>Line 2:</u>	<u>MD Dept of Environment</u>	<u>MD Dept of Agriculture</u>	<u>Total Line 2</u>
4/05 - 6/05			
Total Fiscal Year 2005 60% MDE 40% MDA	\$ 156,580.00	\$ 104,386.66	\$ 260,966.66
Total Fiscal Year 2006 60% MDE 40% MDA	\$ 4,782,770.15	\$ 3,188,513.44	\$ 7,971,283.59
Total Fiscal Year 2007 60% MDE 40% MDA	\$ 8,094,089.27	\$ 5,396,059.51	\$ 13,490,148.78
Total Fiscal Year 2008 60% MDE 40% MDA	\$ 8,489,069.61	\$ 5,659,379.72	\$ 14,148,449.33

Total Fiscal Year 2009 60% MDE 40% MDA	<u>\$ 9,484,117.74</u>	<u>\$ 6,322,745.15</u>	<u>\$ 15,806,862.89</u>
Total Fiscal Year 2010 22.4% MDE 77.6% MDA	<u>\$ 3,118,419.66</u>	<u>\$ 10,803,096.68</u>	<u>\$ 13,921,516.34</u>

Total Fiscal Year 2011 60% MDE 40% MDA	\$ 8,173,632.20	\$ 5,449,088.14	\$ 13,622,720.34
Total Fiscal Year 2012 60% MDE 40% MDA	\$ 8,271,087.10	\$ 5,514,058.08	\$ 13,785,145.18
Total Fiscal Year 2013 60% MDE 40% MDA	\$ 15,992,799.08	\$ 10,661,866.06	\$ 26,654,665.14
Total Fiscal Year 2014 60% MDE 40% MDA	\$ 16,801,348.71	\$ 11,200,899.10	\$ 28,002,247.81
Total Fiscal Year 2015 60% MDE 40% MDA	\$ 17,456,798.39	\$ 11,637,865.59	\$ 29,094,663.98
Total Fiscal Year 2016 60% MDE 40% MDA	\$ 17,311,866.76	\$ 11,541,244.49	\$ 28,853,111.25
Total Fiscal Year 2017 60% MDE 40% MDA	\$ 17,113,840.66	\$ 11,409,227.10	\$ 28,523,067.76
Total Fiscal Year 2018 60% MDE 40% MDA	\$ 17,811,270.90	\$ 11,874,180.60	\$ 29,685,451.50
Total Fiscal Year 2019 60% MDE 40% MDA	\$ 16,883,720.52	\$ 11,255,813.67	\$ 28,139,534.19
Total Fiscal Year 2020 60% MDE 40% MDA	\$ 17,397,453.75	\$ 11,598,302.51	\$ 28,995,756.26
Total Fiscal Year 2021 60% MDE 40% MDA	\$ 16,989,802.10	\$ 11,326,534.72	\$ 28,316,336.82
Total Fiscal Year 2022 60% MDE 40% MDA	\$ 18,553,175.61	\$ 12,368,783.78	\$ 30,921,959.39
Total Fiscal Year 2023 60% MDE 40% MDA	\$ 16,949,975.95	\$ 11,299,984.02	\$ 28,249,959.97
Total Fiscal Year 2024 60% MDE 40% MDA	\$ 14,088,653.56	\$ 9,392,435.70	\$ 23,481,089.26
Fiscal Year 2024	60%	40%	Total
August 2023	\$ -	\$ -	\$ -
September	-	-	-
October	9,990,762.83	6,660,508.55	\$ 16,651,271.38
November	977,564.95	651,709.97	\$ 1,629,274.92
December			
January 2024	2,825,723.02	1,883,815.34	\$ 4,709,538.36
February	294,602.76	196,401.84	491,004.60
March			
April			
May			
June			
FM13			
Total FY 2023	\$ 14,088,653.56	\$ 9,392,435.70	\$ 23,481,089.26
Program Grand Total	\$ 236,970,495.77	\$ 166,704,480.70	\$ 403,674,976.47



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HOUSE BILL 1512

M3

4lr3540
CF SB 1173

By: **Delegates Adams and Hutchinson**

Introduced and read first time: February 22, 2024

Assigned to: Rules and Executive Nominations

Re-referred to: Environment and Transportation, February 26, 2024

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 **Bay Restoration Fund – Use of Funds – Municipal Wastewater Facilities –**
3 **Sunset Repeal**

4 FOR the purpose of repealing the termination date for certain provisions of law that expand
5 the authorized uses of the Bay Restoration Fund to include certain costs associated
6 with the connection of a property using an on-site sewage disposal system to a
7 certain existing municipal wastewater facility; and generally relating to the Bay
8 Restoration Fund.

9 BY repealing and reenacting, without amendments,
10 Article – Environment
11 Section 9–1605.2(h)(1), (2), and (5)
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,
15 Chapter 413 of the Acts of the General Assembly of 2020
16 Section 2

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

19 **Article – Environment**

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 9-1605.2.

2 (h) (1) With regard to the funds collected under subsection (b)(1)(i)1 of this
3 section from users of an on-site sewage disposal system or holding tank that receive a water
4 bill and subsection (b)(1)(i)2 and 3 of this section, beginning in fiscal year 2006, the
5 Comptroller shall:

6 (i) Establish a separate account within the Bay Restoration Fund;
7 and

8 (ii) Disburse the funds as provided under paragraph (2) of this
9 subsection.

10 (2) The Comptroller shall:

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

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

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

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

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

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

28 E. The cost, up to the sum of the costs authorized under item
29 C of this item for each individual system, of connecting a property using an on-site sewage
30 disposal system to an existing municipal wastewater facility that is achieving, or has signed
31 a funding agreement with the Department and is under construction to achieve, enhanced
32 nutrient removal or biological nutrient removal level treatment, including payment of the
33 principal, but not interest, of debt issued by a local government for such connection costs;

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

1 A. Implement an education, outreach, and upgrade program
2 to advise owners of on-site sewage disposal systems and holding tanks on the proper
3 maintenance of the systems and tanks and the availability of grants and loans under item
4 1 of this item;

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

7 C. Issue grants or loans as provided under item 1 of this item;
8 and

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

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

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

20 5. Subject to paragraph (8) of this subsection, a local
21 jurisdiction to provide financial assistance to eligible homeowners for the reasonable cost
22 of pumping out an on-site sewage disposal system, at least once every 5 years, unless a
23 more frequent pump out schedule is recommended during an inspection, not to exceed 10%
24 of the funds allocated to the local jurisdiction; and

25 6. In fiscal years 2020 and 2021, financial assistance to a
26 local jurisdiction for the development of a septic stewardship plan that meets the
27 requirements under paragraph (8)(iii)2 of this subsection; and

28 (ii) Transfer 40% of the funds to the Maryland Agriculture Water
29 Quality Cost Share Program in the Department of Agriculture in order to fund cover crop
30 activities.

31 (5) Funding for the costs identified in paragraph (2)(i)1E of this subsection
32 may be provided only if all of the following conditions are met:

33 (i) The environmental impact of the on-site sewage disposal system
34 is documented by the local government and confirmed by the Department;

35 (ii) It can be demonstrated that:

1 1. The replacement of the on-site sewage disposal system
2 with service to an existing municipal wastewater facility that is achieving, or has signed a
3 funding agreement with the Department and is under construction to achieve, enhanced
4 nutrient removal or biological nutrient removal level treatment is more cost-effective for
5 nitrogen removal than upgrading the individual on-site sewage disposal system; or

6 2. The individual replacement of the on-site sewage disposal
7 system is not feasible;

8 (iii) The project is consistent with the county's comprehensive plan
9 and water and sewer master plan;

10 (iv) 1. The on-site sewage disposal system was installed as of
11 October 1, 2008, and the property the system serves is located in a priority funding area,
12 in accordance with § 5-7B-02 of the State Finance and Procurement Article; or

13 2. The on-site sewage disposal system was installed as of
14 October 1, 2008, the property the system serves is not located in a priority funding area,
15 and the project meets the requirements under § 5-7B-06 of the State Finance and
16 Procurement Article and is consistent with a public health area of concern:

17 A. Identified in the county water and sewer plan; or

18 B. Certified by a county environmental health director with
19 concurrence by the Department and, if funding is approved, subsequently added to the
20 county water and sewer plan within a time frame jointly agreed on by the Department and
21 the county that takes into consideration the county's water and sewer plan update and
22 amendment process; and

23 (v) The funding agreement for a project that meets the conditions for
24 funding under subparagraph (iv)2 of this paragraph includes provisions to ensure:

25 1. Denial of access for any future connections that are not
26 included in the project's proposed service area; and

27 2. That the project will not unduly impede access to funding
28 for upgrading individual on-site sewage disposal systems in the county with best available
29 technology for nitrogen removal.

30 **Chapter 413 of the Acts of 2020**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
32 1, 2020. [It shall remain effective for a period of 4 years and, at the end of June 30, 2024,
33 this Act, with no further action required by the General Assembly, shall be abrogated and
34 of no further force and effect.]

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

SENATE BILL 135

M3

(4lr1223)

ENROLLED BILL

— *Education, Energy, and the Environment/Environment and Transportation* —

Introduced by **Senators Ellis and McKay**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Workgroup to Study Funding for the Westernport Wastewater Treatment**
3 **Facility – Establishment**

4 FOR the purpose of establishing the Workgroup to Study Funding for the Westernport
5 Wastewater Treatment Facility; and generally relating to the Workgroup to Study
6 Funding for the Westernport Wastewater Treatment Facility.

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That:

9 (a) There is a Workgroup to Study Funding for the Westernport Wastewater
10 Treatment Facility.

11 (b) The Workgroup consists of the following members:

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.

Italics indicate opposite chamber/conference committee amendments.



~~(1) two members of the Senate of Maryland, appointed by the President of the Senate;~~

~~(2) two members of the House of Delegates, appointed by the Speaker of the House;~~

~~(3)~~ (1) the Secretary of Health, or the Secretary's designee;

~~(4)~~ (2) the Secretary of the Environment, or the Secretary's designee;

~~(5)~~ (3) the Secretary of Budget and Management, or the Secretary's designee;

~~(6)~~ (4) the Mayor of Westernport;

~~(7)~~ (5) one member from the Board of County Commissioners for Allegany County;

~~(8)~~ (6) the Director of Public Works for Allegany County;

~~(9)~~ (7) the Chair of the Upper Potomac River Commission; and

~~(10)~~ (8) a member of the Upper Potomac River Commission who is not the Chair.

(c) The Chair of the Upper Potomac River Commission shall designate the chair of the Workgroup.

(d) The Department of the Environment shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall:

(1) identify and study the existing funding sources that support the Westernport Wastewater Treatment Facility;

(2) study whether increased funding could enhance operations at the Westernport Wastewater Treatment Facility;

(3) study the funding sources of comparable wastewater treatment facilities in the mid-Atlantic region;

1 (4) study available and potential federal, State, and local funding sources
2 for the Westernport Wastewater Treatment Facility; and

3 (5) make recommendations regarding:

4 (i) whether additional funding could improve the operations of the
5 Westernport Wastewater Treatment Facility; and

6 (ii) the existing and prospective federal, State, and local funding
7 sources for the Westernport Wastewater Treatment Facility.

8 (g) On or before December 1, 2024, the Workgroup shall report its findings and
9 recommendations to the Governor and, in accordance with § 2-1257 of the State
10 Government Article, the General Assembly.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2024. It shall remain effective for a period of 1 year and, at the end of June 30, 2025, this
13 Act, with no further action required by the General Assembly, shall be abrogated and of no
14 further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.

SENATE BILL 677

Q7

4lr2996
CF HB 455

By: **The President (By Request – Office of the Comptroller)**

Introduced and read first time: January 29, 2024

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 29, 2024

CHAPTER _____

1 AN ACT concerning

2 **Comptroller – Electronic Tax and Fee Return Filing Requirements**

3 FOR the purpose of requiring that returns for certain taxes and fees collected by the
4 Comptroller be filed electronically, subject to certain exceptions; altering certain
5 requirements for electronic filing of returns for certain taxes; prohibiting a certain
6 tax return preparer or software company from charging a separate fee for the
7 electronic filing of certain tax documents; prohibiting a software company from
8 selling different versions of the same tax software under certain circumstances; and
9 generally relating to electronic filing of tax and fee returns.

10 BY repealing and reenacting, with amendments,
11 Article – Environment
12 Section 9–228(g)(4) and 9–1605.2(e)(1)
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2023 Supplement)

15 BY adding to
16 Article – Tax – General
17 Section 1–208, 2–118, 5–201(f), 7.5–201(d), 9–308(e), 10–809.1, 10–812.1, 10–819.1,
18 11–502.2, and 12–202.1
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Tax – General

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 Section 4–201, 10–817, and 10–824
 2 Annotated Code of Maryland
 3 (2022 Replacement Volume and 2023 Supplement)

4 BY repealing
 5 Article – Tax – General
 6 Section 5–201(f) and 9–308(e)
 7 Annotated Code of Maryland
 8 (2022 Replacement Volume and 2023 Supplement)

9 ~~BY adding to~~
 10 ~~Article – Tax – General~~
 11 ~~Section 5–201(f), 7.5–201(d), 9–207(e), 9–308(e), 10–809.1, 10–812.1, 10–819.1,~~
 12 ~~11–502.2, and 12–202.1~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2022 Replacement Volume and 2023 Supplement)~~

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

17 **Article – Environment**

18 9–228.

19 (g) (4) **(I)** Each tire dealer shall:

20 [(i)] **1.** Pay the tire recycling fee; and

21 [(ii)] **2.** Complete and submit, under oath, a return and remit the
 22 fees to the Comptroller of the Treasury on or before the 21st day of the month that follows
 23 the month in which the sale was made, and for other periods and on other dates that the
 24 Comptroller specifies by regulation, including periods for which no fees were due.

25 **(II) ~~BEGINNING IN CALENDAR YEAR 2026~~ FOR PERIODS**
 26 **BEGINNING AFTER DECEMBER 31, 2026, A PERSON SHALL FILE A TIRE RECYCLING**
 27 **FEE RETURN ELECTRONICALLY.**

28 9–1605.2.

29 (e) (1) **(I)** A local government, the billing authority for a water or
 30 wastewater facility, or any other authorized collecting agency shall complete and submit,
 31 under oath, a return and remit the restoration fees collected to the Comptroller:

32 [(i)] **1.** On or before the 20th day of the month that follows the
 33 calendar quarter in which the restoration fee was collected; and

1 [(ii)] 2. For other periods and on other dates that the Comptroller
2 may specify by regulation, including periods in which no restoration fee has been collected.

3 (II) ~~BEGINNING IN CALENDAR YEAR 2026~~ FOR PERIODS
4 BEGINNING AFTER DECEMBER 31, 2026, A PERSON SHALL FILE A BAY
5 RESTORATION FEE RETURN ELECTRONICALLY.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
7 as follows:

8 **Article – Tax – General**

9 **1-208.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) “AUTHORIZED TAX DOCUMENT” MEANS A TAX DOCUMENT THAT
13 THE COMPTROLLER HAS AUTHORIZED OR REQUIRES TO BE FILED
14 ELECTRONICALLY.

15 (3) “SOFTWARE COMPANY” MEANS A DEVELOPER OF TAX SOFTWARE.

16 (4) “TAX” MEANS A TAX OR ANY OTHER MATTER ADMINISTERED BY
17 THE COMPTROLLER IN ACCORDANCE WITH THIS ARTICLE OR ANY OTHER
18 PROVISION OF LAW.

19 (5) “TAX DOCUMENT” MEANS A RETURN, A REPORT, OR ANY OTHER
20 DOCUMENT RELATING TO A TAX.

21 (6) (I) “TAX RETURN PREPARER” MEANS A PERSON WHO
22 PREPARES FOR COMPENSATION, OR WHO EMPLOYS OR ENGAGES ONE OR MORE
23 PERSONS TO PREPARE FOR COMPENSATION, AN AUTHORIZED TAX DOCUMENT.

24 (II) “TAX RETURN PREPARER” INCLUDES A PAYROLL SERVICE.

25 (7) (I) “TAX SOFTWARE” MEANS A COMPUTER SOFTWARE
26 PROGRAM INTENDED FOR TAX RETURN PREPARATION PURPOSES.

27 (II) “TAX SOFTWARE” INCLUDES AN OFF-THE-SHELF
28 SOFTWARE PROGRAM LOADED ONTO A TAX RETURN PREPARER’S OR TAXPAYER’S
29 COMPUTER OR AN ONLINE TAX PREPARATION APPLICATION.

1 **(B) (1) A TAX RETURN PREPARER OR A SOFTWARE COMPANY MAY NOT**
2 **CHARGE A SEPARATE FEE FOR THE ELECTRONIC FILING OF AUTHORIZED TAX**
3 **DOCUMENTS.**

4 **(2) A SOFTWARE COMPANY MAY NOT SELL A VERSION OF THE**
5 **COMPANY'S TAX SOFTWARE THAT CHARGES A SEPARATE FEE FOR THE ELECTRONIC**
6 **FILING OF AUTHORIZED TAX DOCUMENTS AND A VERSION OF THE SAME TAX**
7 **SOFTWARE THAT DOES NOT CHARGE THE SEPARATE FEE.**

8 **(C) (1) THE COMPTROLLER SHALL IMPOSE AGAINST A TAX RETURN**
9 **PREPARER OR SOFTWARE COMPANY THAT VIOLATES THIS SECTION A CIVIL PENALTY**
10 **OF:**

11 **(I) \$500 FOR A FIRST VIOLATION; OR**

12 **(II) \$1,000 FOR A SECOND OR SUBSEQUENT VIOLATION.**

13 **(2) FOR THE PURPOSES OF THIS SUBSECTION, EACH TRANSACTION IN**
14 **WHICH A CUSTOMER IS CHARGED A PROHIBITED FEE OR EACH SALE TO A CUSTOMER**
15 **OF TAX SOFTWARE THAT CHARGES A PROHIBITED FEE IS AN INDEPENDENT**
16 **VIOLATION.**

17 **(3) BEFORE A CIVIL PENALTY IS IMPOSED UNDER THIS SUBSECTION,**
18 **THE COMPTROLLER SHALL PROVIDE TO THE PERSON AGAINST WHOM THE CIVIL**
19 **PENALTY WILL BE IMPOSED NOTICE OF THE ALLEGED VIOLATION AND AN**
20 **OPPORTUNITY FOR A HEARING.**

21 **(4) A PERSON AGAINST WHOM A CIVIL PENALTY IS IMPOSED UNDER**
22 **THIS SUBSECTION MAY SEEK REVIEW OF THE PENALTY UNDER TITLE 10, SUBTITLE**
23 **2 OF THE STATE GOVERNMENT ARTICLE.**

24 **(5) EACH CIVIL PENALTY SHALL BE PAID INTO THE GENERAL FUND**
25 **OF THE STATE.**

26 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
27 as follows:

28 Article – Tax – General

29 2-118.

30 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON IS NOT
31 REQUIRED TO FILE A RETURN, SCHEDULE, OR REPORT WITH THE COMPTROLLER
32 ELECTRONICALLY IF:

1 **(1) THE PERSON HAS A DISABILITY, AS DEFINED IN THE AMERICANS**
2 **WITH DISABILITIES ACT;**

3 **(2) THE PERSON HAS RELIGIOUS BELIEFS THAT PROHIBIT THE**
4 **PERSON'S USE OF ELECTRONIC FILING TECHNOLOGY; OR**

5 **(3) THE PERSON IS DETERMINED BY THE COMPTROLLER TO HAVE A**
6 **SPECIAL NEED TO FILE A PAPER RETURN, SCHEDULE, OR REPORT.**

7 4-201.

8 **(A)** A person shall complete, under oath, and file with the Comptroller the
9 admissions and amusement tax return:

10 (1) on or before the 10th day of the month that follows the month in which
11 the person has gross receipts subject to the admissions and amusement tax; and

12 (2) for other periods and on other dates that the Comptroller specifies by
13 regulation, including periods in which the person has no gross receipts subject to the tax.

14 **(B) ~~BEGINNING IN CALENDAR YEAR 2026~~ FOR PERIODS BEGINNING AFTER**
15 **DECEMBER 31, 2026, A PERSON SHALL FILE THE ADMISSIONS AND AMUSEMENT TAX**
16 **RETURN ELECTRONICALLY.**

17 5-201.

18 **[(f) On or before January 1, 2018, the Comptroller shall develop and implement**
19 **procedures for the electronic filing of the alcoholic beverage tax returns required to be filed**
20 **under this section.]**

21 **(F) ~~BEGINNING IN CALENDAR YEAR 2026~~ FOR PERIODS BEGINNING AFTER**
22 **DECEMBER 31, 2026, A PERSON SHALL FILE AN ALCOHOLIC BEVERAGE TAX RETURN**
23 **ELECTRONICALLY.**

24 7.5-201.

25 **(D) ~~BEGINNING IN CALENDAR YEAR 2026~~ FOR PERIODS BEGINNING AFTER**
26 **DECEMBER 31, 2026, A PERSON SHALL FILE A DIGITAL ADVERTISING GROSS**
27 **REVENUES TAX RETURN ELECTRONICALLY.**

28 ~~9-207.~~

29 **~~(C) BEGINNING IN CALENDAR YEAR 2026, A PERSON SHALL FILE A MOTOR~~**
30 **~~CARRIER TAX RETURN ELECTRONICALLY.~~**

1 9-308.

2 [(e) (1) The Comptroller by regulation may require each person that is required
3 to file a return under this section to file the return through electronic means.

4 (2) A regulation adopted under this subsection:

5 (i) shall include an exemption from electronic filing for persons that
6 do not have access to means of transmitting data electronically; and

7 (ii) shall include provisions for the periodic affirmation and
8 verification of the information that is submitted electronically.]

9 (E) ~~BEGINNING IN CALENDAR YEAR 2026~~ FOR PERIODS BEGINNING AFTER
10 DECEMBER 31, 2026, A PERSON SHALL FILE A MOTOR FUEL TAX RETURN
11 ELECTRONICALLY.

12 10-809.1.

13 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR A
14 TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2029, AN INDIVIDUAL SHALL FILE
15 AN INCOME TAX RETURN ELECTRONICALLY.

16 (B) AN INDIVIDUAL IS NOT REQUIRED TO FILE AN INCOME TAX RETURN
17 ELECTRONICALLY IF THE INDIVIDUAL:

18 (1) IS AT LEAST 65 YEARS OLD AS OF DECEMBER 31 OF THE TAXABLE
19 YEAR FOR WHICH THE RETURN IS BEING FILED;

20 (2) IS SINGLE OR A DEPENDENT TAXPAYER AND THE INDIVIDUAL'S
21 MARYLAND ADJUSTED GROSS INCOME IS LESS THAN \$200,000;

22 (3) IS MARRIED FILING SEPARATELY, A HEAD OF HOUSEHOLD, OR A
23 QUALIFYING WIDOW OR WIDOWER WITH A DEPENDENT CHILD AND THE MARYLAND
24 ADJUSTED GROSS INCOME OF THE INDIVIDUAL IS LESS THAN \$400,000; OR

25 (4) IS MARRIED FILING JOINTLY AND THE MARYLAND ADJUSTED
26 GROSS INCOME OF THE INDIVIDUAL AND THE INDIVIDUAL'S SPOUSE IS LESS THAN
27 \$400,000; ~~OR~~

28 ~~(5) HAS A DISABILITY AS DEFINED IN THE FEDERAL AMERICANS WITH~~
29 ~~DISABILITIES ACT.~~

30 10-812.1.

1 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR A**
2 **TAXABLE YEAR BEGINNING AFTER DECEMBER 31, ~~2025~~ 2026, A CORPORATION**
3 **SHALL FILE AN INCOME TAX RETURN ELECTRONICALLY.**

4 **(B) A CORPORATION WITH FEWER THAN 15 EMPLOYEES IS NOT REQUIRED**
5 **TO FILE AN INCOME TAX RETURN ELECTRONICALLY.**

6 10-817.

7 **(A)** A person required to withhold income tax under § 10-906 of this title shall file
8 an income tax withholding return.

9 **(B) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, ~~2025~~ 2026, A**
10 **PERSON SHALL FILE AN INCOME TAX WITHHOLDING RETURN ELECTRONICALLY.**

11 **10-819.1.**

12 **(A) IN THIS SECTION, “PASS-THROUGH ENTITY” HAS THE MEANING STATED**
13 **IN § 10-102.1 OF THIS TITLE.**

14 **(B) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, ~~2025~~ 2026, A**
15 **PASS-THROUGH ENTITY SHALL FILE AN INCOME TAX RETURN ELECTRONICALLY.**

16 10-824.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) (i) “Income tax return preparer” means a person who for
19 compensation prepares a substantial portion or more of a qualified return or employs one
20 or more persons to prepare for compensation a substantial portion or more of a qualified
21 return.

22 (ii) “Income tax return preparer” does not include a person who
23 merely performs those acts described under § 7701(a)(36)(B) of the Internal Revenue Code.

24 (3) “Qualified return” means any original return of individual income tax
25 imposed by this title, regardless of whether a tax is due or a refund is claimed.

26 (b) [Except] **SUBJECT TO § 10-809.1 OF THIS SUBTITLE AND EXCEPT** as
27 otherwise provided in this section, an income tax return preparer shall file all qualified
28 returns that the income tax return preparer prepares by electronic means as prescribed by
29 the Comptroller if[:

30 (1) for a taxable year beginning after December 31, 2008, but before
31 January 1, 2010, the income tax return preparer has prepared more than 300 qualified
32 returns in the prior taxable year;

1 (2) for a taxable year beginning after December 31, 2009, but before
2 January 1, 2011, the income tax return preparer has prepared more than 200 qualified
3 returns in the prior taxable year; and

4 (3) for any taxable year beginning after December 31, 2010,] the income
5 tax return preparer has prepared more than 100 qualified tax returns in the prior taxable
6 year.

7 (c) [Subsection] **SUBJECT TO § 10-809.1 OF THIS SUBTITLE, SUBSECTION (b)**
8 of this section does not apply to a qualified return if:

9 (1) the taxpayer has indicated on the qualified return that the taxpayer
10 does not want the return filed by electronic means; or

11 (2) the income tax return preparer preparing the qualified return has
12 requested and received a waiver from the Comptroller.

13 (d) [On] **SUBJECT TO § 10-809.1 OF THIS SUBTITLE, ON** written request for a
14 waiver by an income tax return preparer who is subject to subsection (b) of this section, the
15 Comptroller may grant the income tax return preparer a waiver of the requirements of this
16 section if the income tax return preparer is able to establish to the satisfaction of the
17 Comptroller either reasonable cause for not filing the return by electronic means or that
18 there is no feasible means of filing the return by electronic means without undue hardship.

19 **11-502.2.**

20 ~~**BEGINNING IN CALENDAR YEAR 2026**~~ **FOR PERIODS BEGINNING AFTER**
21 **DECEMBER 31, 2026,** A PERSON SHALL FILE A SALES AND USE TAX RETURN
22 **ELECTRONICALLY.**

23 **12-202.1.**

24 ~~**BEGINNING IN CALENDAR YEAR 2026**~~ **FOR PERIODS BEGINNING AFTER**
25 **DECEMBER 31, 2026,** A PERSON SHALL FILE A TOBACCO TAX RETURN
26 **ELECTRONICALLY.**

27 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
28 effect January 1, 2030.

29 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in
30 Section 4 of this Act, this Act shall take effect July 1, 2024.

SENATE BILL 969

M3, M1

(4lr2117)

ENROLLED BILL

— Education, Energy, and the Environment/Environment and Transportation —

Introduced by **Senators Elfreth, Hester, and Guzzone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Stream and Watershed, Stream, and Floodplain Restoration – Stream~~
3 ~~Restoration Contractor Licensing and Projects and Chesapeake and Atlantic~~
4 ~~Coastal Bays Restoration and *Stream and Floodplain Restoration* Funding~~
5 ~~(Whole Watershed Act)~~

6 FOR the purpose of ~~establishing the Stream Restoration Contractors Licensing Board;~~
7 ~~requiring a person to be licensed as a stream restoration contractor or be employed~~
8 ~~by an individual or entity that is licensed as a stream restoration contractor before~~
9 ~~the person performs or solicits to perform stream restoration contractor services in~~
10 ~~the State, subject to a certain exception; requiring the Department of the~~
11 ~~Environment to provide notice of a certain violation to a stream restoration~~
12 ~~contractor; requiring a project applicant seeking authorization for a certain project~~
13 ~~to provide certain notice and hold certain public meetings except under certain~~
14 ~~circumstances; requiring a project applicant to submit certain documentation to the~~
15 ~~Department; authorizing the Department to authorize certain projects in accordance~~

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.

Italics indicate opposite chamber/conference committee amendments.



~~with certain requirements; requiring the Department to assess certain~~
~~documentation and actions by a project applicant prior to authorizing certain~~
~~projects; prohibiting the Department from reducing certain monitoring requirements~~
~~for certain projects; requiring that up to a certain amount of funding from the~~
 Chesapeake and Atlantic Coastal Bays 2010 Trust Fund be used to fund certain
 grants; establishing the Whole Watershed Restoration Partnership to accelerate
 restoration of the Chesapeake and Atlantic Coastal Bays and their watersheds;
 requiring the Secretary of Natural Resources to establish a State management team
 to administer the Partnership; establishing the Whole Watershed Fund as a special,
 nonlapsing fund; requiring interest earnings of the Fund to be credited to the Fund;
 altering the use and purpose of certain funds and accounts to include accelerating
 the restoration of the Chesapeake Bay and Atlantic Coastal Bays and their
 watershed and providing funding for the Fund; authorizing the use of the Waterway
 Improvement Fund for projects that involve the beneficial use of dredged material
 and for certain water quality monitoring; *requiring a project applicant seeking*
authorization for a certain project to provide certain notice and hold certain public
meetings except under certain circumstances; requiring a project applicant to submit
certain documentation to the Department of the Environment; authorizing the
Department to authorize certain projects in accordance with certain requirements;
requiring the Department to assess certain documentation and actions by a project
applicant prior to authorizing certain projects; prohibiting the Department from
reducing certain monitoring requirements for certain projects; requiring all persons
~~performing or soliciting to perform stream restoration contractor services in the~~
~~State to register with the Department and pay a registration fee on or before a~~
~~certain date; requiring the Department to select certain registrants as the initial~~
~~three licensed stream restoration contractor members of the Stream Restoration~~
~~Contractors Licensing Board; and generally relating to stream and watershed,~~
stream, and floodplain restoration in the State.

BY repealing and reenacting, with amendments,
 Article – Agriculture
 Section 2–505(a) and (c)(1), 8–702(a), and 8–704(a)
 Annotated Code of Maryland
 (2016 Replacement Volume and 2023 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Business Regulation~~
~~Section 8–301~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Environment~~
~~Section 1–406~~
~~Annotated Code of Maryland~~
~~(2013 Replacement Volume and 2023 Supplement)~~

1 BY repealing and reenacting, without amendments,
 2 Article – Environment
 3 Section 9–1605.2(a)(1) ~~and (2)~~ and 9–1605.4(b)
 4 Annotated Code of Maryland
 5 (2014 Replacement Volume and 2023 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – Environment
 8 Section ~~9–1605.2(a)(2) and (i)(2)(xiii)~~ 9–1605.2(i)(2)(xiii) 9–1605.2(a)(2) and
 9 (i)(2)(xiii) and (xiv) and 9–1605.4(c) and (f)
 10 Annotated Code of Maryland
 11 (2014 Replacement Volume and 2023 Supplement)

12 *BY adding to*
 13 *Article – Environment*
 14 *Section 9–1605.2(i)(2)(xv); and 18–101 through 18–103 to be under the new title “Title*
 15 *18. Stream and Floodplain Restoration Projects”*
 16 *Annotated Code of Maryland*
 17 *(2014 Replacement Volume and 2023 Supplement)*

18 ~~BY adding to~~
 19 ~~Article – Environment~~
 20 ~~Section 9–1605.2(i)(2)(xv); and 18–101 through 18–501 18–601 to be under the new~~
 21 ~~title “Title 18. Stream Restoration Contractors”~~
 22 ~~Annotated Code of Maryland~~
 23 ~~(2014 Replacement Volume and 2023 Supplement)~~

24 BY repealing and reenacting, without amendments,
 25 Article – Natural Resources
 26 Section 8–2A–02(a) and (b) and 8–701(a)
 27 Annotated Code of Maryland
 28 (2023 Replacement Volume and 2023 Supplement)

29 BY adding to
 30 Article – Natural Resources
 31 Section 8–2A–02(f)(5); 8–2B–01 through 8–2B–03 to be under the new subtitle
 32 “Subtitle 2B. Whole Watershed Restoration Partnership and Fund”; and
 33 8–701(a–1)
 34 Annotated Code of Maryland
 35 (2023 Replacement Volume and 2023 Supplement)

36 BY repealing and reenacting, with amendments,
 37 Article – Natural Resources
 38 Section 8–707(a) and 8–708(b)
 39 Annotated Code of Maryland
 40 (2023 Replacement Volume and 2023 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article – State Finance and Procurement
3 Section 6–226(a)(2)(i)
4 Annotated Code of Maryland
5 (2021 Replacement Volume and 2023 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 6–226(a)(2)(ii)189. and 190.
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2023 Supplement)

11 BY adding to
12 Article – State Finance and Procurement
13 Section 6–226(a)(2)(ii)191.
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2023 Supplement)

16 ~~BY repealing and reenacting, without amendments,
17 Article – State Government
18 Section 8–402
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2023 Supplement)~~

21 ~~BY adding to
22 Article – State Government
23 Section 8–403(62)
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2023 Supplement)~~

26 ~~BY repealing and reenacting, with amendments,
27 Article – State Government
28 Section 8–403(62) through (64)
29 Annotated Code of Maryland
30 (2021 Replacement Volume and 2023 Supplement)~~

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

33 **Article – Agriculture**

34 2–505.

35 (a) The Maryland Agricultural Land Preservation Fund is created and continued
36 for [the]:

37 (1) **THE** purposes specified in this subtitle; **AND**

1 **(2) ACCELERATING THE RESTORATION OF THE CHESAPEAKE BAY**
2 **AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.**

3 (c) (1) The Comptroller of the Treasury may not disburse any money from the
4 Maryland Agricultural Land Preservation Fund other than:

5 (i) For costs associated with the staffing and administration of the
6 Maryland Agricultural Land Preservation Foundation;

7 (ii) For reasonable expenses incurred by the members of the board
8 of trustees of the Maryland Agricultural Land Preservation Foundation in the performance
9 of official duties;

10 (iii) For consideration in the purchase of agricultural land
11 preservation easements beginning with fiscal year 1979 and each fiscal year thereafter,
12 **INCLUDING TARGETED ACQUISITIONS OF EASEMENTS OBTAINED IN CONJUNCTION**
13 **WITH ACTIONS AND PROJECTS UNDER TITLE 8, SUBTITLE 2B OF THE NATURAL**
14 **RESOURCES ARTICLE;**

15 (iv) For costs associated with acquisition of agricultural land
16 preservation easements approved by the Foundation through the Critical Farms Program,
17 as provided in § 2-517 of this subtitle; [and]

18 (v) For the reimbursement of money paid by a landowner for a
19 preliminary release of a lot under § 2-513(b)(2) of this subtitle in accordance with
20 paragraph (5) of this subsection; **AND**

21 **(VI) ~~TO CONSISTENT~~ IN A MANNER CONSISTENT WITH THE**
22 **PURPOSES SPECIFIED IN ITEMS (I) THROUGH (V) OF THIS PARAGRAPH, TO PROVIDE**
23 **FUNDING FOR THE WHOLE WATERSHED FUND ESTABLISHED UNDER § 8-2B-03 OF**
24 **THE NATURAL RESOURCES ARTICLE, INCLUDING FOR PROJECTS THAT OCCUR ON**
25 **LAND SUBJECT TO AN AGRICULTURAL LAND PRESERVATION EASEMENT.**

26 8-702.

27 (a) (1) The General Assembly finds and declares that agriculturally related
28 nonpoint sources of water pollution may potentially contribute to the degradation of the
29 water resources of this State and that prevention and control efforts have been hampered
30 because of the cost and lack of income producing potential in many agricultural practices
31 designed to protect water quality.

32 (2) To assist in the implementation of agricultural practices which
33 minimize water pollution from erosion, animal wastes, nutrients, and agricultural
34 chemicals **AND TO ADDRESS THE WATER POLLUTION IMPACTS OF AGRICULTURE,** a

1 cost sharing program between the State and eligible applicants is established for the public
2 benefit.

3 8–704.

4 (a) **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
5 State cost-sharing funds for a project being considered for State cost-sharing may be made
6 available:

7 **[(1) (I)]** For up to 100% of eligible costs, not to exceed a dollar amount of
8 up to \$200,000 as determined by a regulation adopted jointly by the Secretary of
9 Agriculture and the Secretary of the Environment; and

10 **[(2) (II)]** If:

11 **[(i) 1.]** The Department of Agriculture, the soil conservation
12 district, and a person have executed an agreement which, among other things, obligates
13 the person to:

14 **[1.] A.** Establish, construct, or install the best
15 management practice or fixed natural filter practice in accordance with technical
16 specifications;

17 **[2.] B.** Maintain the best management practice or fixed
18 natural filter practice for its expected life span; and

19 **[3.] C.** Provide the required matching funds, if any, for the
20 project;

21 **[(ii) 2.]** The Board of Public Works has given approval to the
22 project when the proceeds of State bonds are to be used to finance the State share; and

23 **[(iii) 3.]** The soil conservation district has certified to the
24 Department that the project meets all applicable technical standards, and that all
25 submitted invoices properly represent eligible costs.

26 **(2) CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, STATE**
27 **COST-SHARING FUNDS MAY BE MADE AVAILABLE TO FUND THE WHOLE WATERSHED**
28 **FUND ESTABLISHED UNDER § 8–2B–03 OF THE NATURAL RESOURCES ARTICLE.**

29 (3) A reduction in State cost-sharing rates for riparian forest buffers,
30 riparian herbaceous cover, wetland restoration, or pasture management may not be based
31 on tons of soil saved or an amortization formula.

1 (4) State cost-sharing rates for pasture management shall be based on the
2 applicable rate established by the U.S. Department of Agriculture's Environmental Quality
3 Incentives Program.

4 (5) State cost-sharing rates paid for the planting of multiple species of
5 cover crops shall equal or exceed the rates paid for the planting of a single species of cover
6 crop.

7 (6) (i) 1. Except as authorized under subsubparagraph 2 of this
8 subparagraph and before the Department of Agriculture executes a cost-sharing
9 agreement with a farm tenant, it shall obtain the consent of the landlord to the terms and
10 conditions of the agreement.

11 2. The Department may execute the agreement without the
12 consent of the landlord if:

13 A. The agreement concerns a short-term project that
14 involves only the planting of a cover crop; and

15 B. The Department has sent by first-class mail written
16 notice of a cover crop project to the landlord at least 10 calendar days before executing the
17 agreement for the first cover crop project during the term of the lease.

18 (ii) The Department may also require the granting to the State of an
19 appropriate security interest in any equipment, structures or similar items purchased with
20 State money.

21 (7) A cost-sharing agreement executed as required under this subtitle may
22 be assigned and transferred to a successor in title of all or part of a tract of land subject to
23 a best management practice.

24 ~~Article Business Regulation~~

25 ~~§ 301.~~

26 ~~(a) Except as otherwise provided in this title, a person must have a contractor~~
27 ~~license whenever the person acts as a contractor in the State.~~

28 ~~(b) Except as otherwise provided in this title, a person must have a salesperson~~
29 ~~license or contractor license whenever the person sells a home improvement in the State.~~

30 ~~(c) This section does not apply to:~~

31 ~~(1) an individual who works for a contractor for a salary or wages but who~~
32 ~~is not a salesperson for the contractor;~~

~~(2) a clerical employee, retail clerk, or other employee of a licensed contractor who is not a salesperson, as to a transaction on the premises of the licensed contractor;~~

~~(3) a solicitor for a contractor who calls an owner by telephone only;~~

~~(4) an architect, electrician, plumber, heating, ventilation, air conditioning, or refrigeration contractor, or other person who:~~

~~(i) is required by State or local law to meet standards of competency or experience before engaging in an occupation or profession;~~

~~(ii) currently is licensed in that occupation or profession under State or local law; and~~

~~(iii) is:~~

~~1. acting only within the scope of that occupation or profession; or~~

~~2. installing a central heating or air conditioning system;~~

~~(5) a security systems technician licensed under Title 18 of the Business Occupations and Professions Article;~~

~~(6) a marine contractor licensed under Title 17, Subtitle 3 of the Environment Article; [or]~~

~~(7) A STREAM RESTORATION CONTRACTOR LICENSED UNDER TITLE 18, SUBTITLE 3 OF THE ENVIRONMENT ARTICLE; OR~~

~~[(7)] (8) a person who is selling a home improvement to be performed by a person described in item (4) of this subsection.~~

Article – Environment

~~1-406.~~

~~The following units, among other units, are included in the Department:~~

~~(1) Air Quality Control Advisory Council;~~

~~(2) Hazardous Substances Advisory Council;~~

~~(3) Radiation Control Advisory Board;~~

- 1 ~~(4) Science and Health Advisory Group;~~
- 2 ~~(5) Board of Waterworks and Waste System Operators;~~
- 3 ~~(6) Board of Well Drillers;~~
- 4 ~~(7) Hazardous Waste Facilities Siting Board;~~
- 5 ~~(8) Marine Contractors Licensing Board; [and]~~
- 6 ~~(9) Board of On-Site Wastewater Professionals; AND~~
- 7 ~~(10) STREAM RESTORATION CONTRACTORS LICENSING BOARD.~~

8 9-1605.2.

9 (a) (1) There is a Bay Restoration Fund.

10 (2) It is the intent of the General Assembly that the Bay Restoration Fund
11 be:

12 (i) Used, in part, to provide the funding necessary to upgrade any of
13 the wastewater treatment facilities that are located in the State or used by citizens of the
14 State in order to achieve enhanced nutrient removal where it is cost-effective to do so; ~~[and]~~

15 (ii) Available for treatment facilities discharging into the Atlantic
16 Coastal Bays or other waters of the State, but that priority be given to treatment facilities
17 discharging into the Chesapeake Bay; ~~AND~~

18 ~~(III) USED TO ACCELERATE THE RESTORATION OF THE~~
19 ~~CHESAPEAKE BAY AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS; AND~~

20 *(III) USED TO ACCELERATE THE RESTORATION OF THE*
21 *CHESAPEAKE BAY AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.*

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

23 (xiii) After funding any eligible costs identified under item (iv)1 and 2
24 of this paragraph, for transfers to the Clean Water Commerce Account in accordance with
25 paragraph (3) of this subsection; ~~[and]~~

26 (xiv) After funding any eligible costs identified under item (iv)1 and 2
27 of this paragraph, for the transfers required under paragraph (11) of this subsection; ~~AND~~

1 **(XV) ~~TO~~ AFTER FUNDING ANY ELIGIBLE COSTS IDENTIFIED**
 2 **UNDER ITEM (IV)1 AND 2 OF THIS PARAGRAPH, TO FUND THE WHOLE WATERSHED**
 3 **FUND ESTABLISHED UNDER § 8-2B-03 OF THE NATURAL RESOURCES ARTICLE.**

4 9-1605.4.

5 (b) There is a Clean Water Commerce Account.

6 (c) The purpose of the Account is to [purchase]:

7 **(1) PURCHASE** environmental outcomes in support of the State's efforts to
 8 achieve the Chesapeake Bay TMDL; **AND**

9 **(2) ACCELERATE RESTORATION OF THE CHESAPEAKE BAY AND**
 10 **ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.**

11 (f) (1) Subject to the provisions of this subsection, the Account may be used
 12 only for the purchase of cost-effective environmental outcomes that:

13 (i) Support the State's efforts to achieve the Chesapeake Bay
 14 TMDL; and

15 (ii) Have an expected life of at least 10 years.

16 (2) Except as provided in paragraph (3) of this subsection, in each fiscal
 17 year:

18 (i) At least 35% shall be used to procure environmental outcomes
 19 from agricultural practices, with priority given to projects that are:

20 1. A fixed natural filter practice, as defined in § 8-701 of the
 21 Agriculture Article; or

22 2. An agricultural ditch management practice, as defined by
 23 the Chesapeake Bay Program;

24 (ii) At least 20% shall be used to procure environmental outcomes
 25 from projects, including stormwater management and green infrastructure projects,
 26 established in communities disproportionately burdened by environmental harms and risks
 27 as identified by the Department in consultation with the Commission on Environmental
 28 Justice and Sustainable Communities; and

29 (iii) At least 10% shall be used to procure environmental outcomes
 30 from nonagricultural landscape restoration projects that take into consideration the
 31 project's ecological suitability, including the hydrological conditions and other physical
 32 characteristics of the location at which the project will be implemented.

1 (3) Any unencumbered funds not used to purchase environmental
2 outcomes as specified under paragraph (2) of this subsection are:

3 (i) No longer subject to the allocation requirements specified under
4 paragraph (2) of this subsection; and

5 (ii) Available for use consistent with this section in subsequent fiscal
6 years, **INCLUDING TO FUND THE WHOLE WATERSHED FUND ESTABLISHED UNDER §**
7 **8-2B-03 OF THE NATURAL RESOURCES ARTICLE.**

8 (4) A project may include environmental outcomes from one or more of the
9 project types specified under paragraph (2) of this subsection.

10 ~~**TITLE 18. STREAM RESTORATION CONTRACTORS.**~~

11 ~~**SUBTITLE 1. DEFINITIONS.**~~

12 ~~**18-101.**~~

13 ~~**(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**~~
14 ~~**INDICATED.**~~

15 ~~**(B) "BOARD" MEANS THE STREAM RESTORATION CONTRACTORS**~~
16 ~~**LICENSING BOARD.**~~

17 ~~**(C) "ENTITY" MEANS A BUSINESS WITH ITS PRINCIPAL OFFICE IN THE**~~
18 ~~**STATE THAT EMPLOYS MORE THAN ONE INDIVIDUAL TO PROVIDE STREAM**~~
19 ~~**RESTORATION CONTRACTOR SERVICES IN THE STATE.**~~

20 ~~**(D) "LICENSE" MEANS A PROFESSIONAL LICENSE ISSUED BY THE BOARD TO**~~
21 ~~**AN INDIVIDUAL OR ENTITY TO PERFORM STREAM RESTORATION CONTRACTOR**~~
22 ~~**SERVICES IN THE STATE.**~~

23 ~~**(E) "LICENSED STREAM RESTORATION CONTRACTOR" MEANS AN**~~
24 ~~**INDIVIDUAL OR ENTITY THAT HAS RECEIVED A LICENSE FROM THE BOARD TO**~~
25 ~~**PERFORM STREAM RESTORATION CONTRACTOR SERVICES.**~~

26 ~~**(F) (1) "STREAM RESTORATION CONTRACTOR SERVICES" MEANS**~~
27 ~~**CONSTRUCTION, DEMOLITION, INSTALLATION, ALTERATION, OR REPAIR, OR**~~
28 ~~**SALVAGE ACTIVITIES LOCATED IN, ON, OR UNDER STATE OR PRIVATE STREAMS OR**~~
29 ~~**NONTIDAL WETLANDS WATERWAYS, INCLUDING THE 100-YEAR FLOODPLAIN, WITH**~~
30 ~~**THE GOAL OF IMPROVING THE IN-STREAM STABILITY, HYDROLOGY, HYDRAULICS,**~~
31 ~~**MORPHOLOGY, SUBSTRATE WATER QUALITY, OR ECOSYSTEM FUNCTION.**~~

1 ~~(2) "STREAM RESTORATION CONTRACTOR SERVICES" INCLUDES:~~

2 ~~(I) IN-STREAM STRUCTURE INSTALLATION;~~

3 ~~(II) STREAM CHANNEL RELOCATION;~~

4 ~~(III) STREAM BANK STABILIZATION;~~

5 ~~(IV) INFRASTRUCTURE PROTECTION;~~

6 ~~(V) HABITAT CREATION ECOLOGICAL RESTORATION,~~
7 ~~INCLUDING THE INSTALLATION OF STRUCTURES TO CREATE OR ENHANCE HABITAT;~~

8 ~~(VI) FLOOR FLOOD PROTECTION; AND~~

9 ~~(VII) (V) STREAM CHANNEL FILLING.~~

10 ~~SUBTITLE 2. STREAM RESTORATION CONTRACTORS LICENSING BOARD.~~

11 ~~18-201.~~

12 ~~(A) THERE IS A STREAM RESTORATION CONTRACTORS LICENSING BOARD~~
13 ~~IN THE DEPARTMENT.~~

14 ~~(B) SUBJECT TO THE PROVISIONS OF THIS TITLE, THE BOARD IS~~
15 ~~RESPONSIBLE FOR THE LICENSING AND REGULATION OF INDIVIDUALS AND~~
16 ~~ENTITIES THAT PROVIDE STREAM RESTORATION CONTRACTOR SERVICES IN THE~~
17 ~~STATE.~~

18 ~~18-202.~~

19 ~~(A) (1) THE BOARD CONSISTS OF SEVEN NINE MEMBERS APPOINTED BY~~
20 ~~THE GOVERNOR, WITH THE ADVICE OF THE SECRETARY AND WITH THE ADVICE AND~~
21 ~~CONSENT OF THE SENATE.~~

22 ~~(2) OF THE SEVEN NINE MEMBERS:~~

23 ~~(I) ONE SHALL BE EMPLOYED BY THE DEPARTMENT;~~

24 ~~(II) ONE SHALL BE EMPLOYED BY THE DEPARTMENT OF~~
25 ~~NATURAL RESOURCES;~~

1 ~~(H) THREE SHALL BE LICENSED STREAM RESTORATION~~
2 ~~CONTRACTORS, EACH REPRESENTING A DIFFERENT COUNTY IN THE STATE AS~~
3 ~~FOLLOWS:~~

4 ~~1. ONE FROM:~~

5 ~~A. BALTIMORE CITY;~~

6 ~~B. ANNE ARUNDEL COUNTY;~~

7 ~~C. BALTIMORE COUNTY;~~

8 ~~D. CALVERT COUNTY;~~

9 ~~E. CHARLES COUNTY;~~

10 ~~F. HARFORD COUNTY;~~

11 ~~G. PRINCE GEORGE'S COUNTY; OR~~

12 ~~H. ST. MARY'S COUNTY;~~

13 ~~2. ONE FROM:~~

14 ~~A. ALLEGANY COUNTY;~~

15 ~~B. CARROLL COUNTY;~~

16 ~~C. FREDERICK COUNTY;~~

17 ~~D. GARRETT COUNTY;~~

18 ~~E. HOWARD COUNTY;~~

19 ~~F. MONTGOMERY COUNTY; OR~~

20 ~~G. WASHINGTON COUNTY; AND~~

21 ~~3. ONE FROM:~~

22 ~~A. CAROLINE COUNTY;~~

23 ~~B. CECIL COUNTY;~~

24 ~~C. DORCHESTER COUNTY;~~

- 1 ~~D. KENT COUNTY;~~
- 2 ~~E. QUEEN ANNE'S COUNTY;~~
- 3 ~~F. SOMERSET COUNTY;~~
- 4 ~~G. TALBOT COUNTY;~~
- 5 ~~H. WICOMICO COUNTY; OR~~
- 6 ~~I. WORCESTER COUNTY; AND~~

7 ~~(IV) TWO SHALL BE PRIVATE CITIZENS, APPOINTED AT LARGE,~~
 8 ~~WHO REPRESENT DIVERSE INTERESTS AND DIFFERENT COUNTIES IN THE STATE AS~~
 9 ~~FOLLOWS:~~

- 10 ~~1. ONE FROM:~~
- 11 ~~A. BALTIMORE CITY;~~
- 12 ~~B. ALLEGANY COUNTY;~~
- 13 ~~C. ANNE ARUNDEL COUNTY;~~
- 14 ~~D. CARROLL COUNTY;~~
- 15 ~~E. BALTIMORE COUNTY;~~
- 16 ~~F. FREDERICK COUNTY;~~
- 17 ~~G. GARRETT COUNTY;~~
- 18 ~~H. HARFORD COUNTY;~~
- 19 ~~I. HOWARD COUNTY;~~
- 20 ~~J. MONTGOMERY COUNTY;~~
- 21 ~~K. PRINCE GEORGE'S COUNTY; OR~~
- 22 ~~L. WASHINGTON COUNTY; AND~~
- 23 ~~2. ONE FROM:~~

- 1 ~~A. CALVERT COUNTY;~~
- 2 ~~B. CAROLINE COUNTY;~~
- 3 ~~C. CECIL COUNTY;~~
- 4 ~~D. CHARLES COUNTY;~~
- 5 ~~E. DORCHESTER COUNTY;~~
- 6 ~~F. KENT COUNTY;~~
- 7 ~~G. QUEEN ANNE'S COUNTY;~~
- 8 ~~H. SOMERSET COUNTY;~~
- 9 ~~I. ST. MARY'S COUNTY;~~
- 10 ~~J. TALBOT COUNTY;~~
- 11 ~~K. WICOMICO COUNTY; OR~~
- 12 ~~L. WORCESTER COUNTY; AND~~

13 ~~(V) TWO SHALL REPRESENT LOCAL GOVERNMENT.~~

14 ~~(B) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE~~
 15 ~~THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.~~

16 ~~(C) (1) THE TERM OF A MEMBER OF THE BOARD IS 3 YEARS.~~

17 ~~(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL~~
 18 ~~A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

19 ~~(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES~~
 20 ~~ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND~~
 21 ~~QUALIFIES.~~

22 ~~(D) THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD FOR~~
 23 ~~INCOMPETENCE, MISCONDUCT, NEGLIGENCE OF DUTY, OR OTHER SUFFICIENT CAUSE.~~

24 ~~18-203.~~

25 ~~(A) EACH YEAR, THE BOARD SHALL ELECT A CHAIR, VICE CHAIR, AND~~
 26 ~~SECRETARY FROM AMONG ITS MEMBERS.~~

1 ~~(B) THE BOARD SHALL DETERMINE THE MANNER OF THE ELECTION OF~~
2 ~~OFFICERS.~~

3 ~~18-204.~~

4 ~~(A) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND~~
5 ~~PLACES THAT THE BOARD DETERMINES.~~

6 ~~(B) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR~~
7 ~~EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN~~
8 ~~THE STATE BUDGET.~~

9 ~~(C) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE~~
10 ~~BUDGET.~~

11 ~~18-205.~~

12 ~~(A) THE BOARD MAY:~~

13 ~~(1) AS NECESSARY, OBTAIN ASSISTANCE FROM THE DEPARTMENT TO~~
14 ~~CARRY OUT AND ENFORCE THE PROVISIONS OF THIS TITLE; AND~~

15 ~~(2) MAKE INQUIRIES AND CONDUCT AN INVESTIGATION REGARDING~~
16 ~~ANY APPLICANT FOR A LICENSE.~~

17 ~~(B) THE BOARD SHALL:~~

18 ~~(1) RECOMMEND REGULATIONS FOR ADOPTION BY THE SECRETARY~~
19 ~~THAT:~~

20 ~~(I) ESTABLISH LICENSING STANDARDS FOR STREAM~~
21 ~~RESTORATION CONTRACTORS; AND~~

22 ~~(H) CARRY OUT THE PROVISIONS OF THIS TITLE;~~

23 ~~(2) COLLECT AND ACCOUNT FOR THE FEES PROVIDED FOR UNDER~~
24 ~~THIS TITLE; AND~~

25 ~~(3) KEEP A CURRENT RECORD OF ALL INDIVIDUALS AND ENTITIES~~
26 ~~LICENSED UNDER THIS TITLE, INCLUDING:~~

27 ~~(I) THE NAMES OF INDIVIDUALS AND ENTITIES THAT ARE~~
28 ~~LICENSED;~~

~~PROPERTY WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE.~~

~~18-302.~~

~~(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL MEET THE REQUIREMENTS OF THIS SECTION AND ANY REGULATIONS ADOPTED UNDER THIS SECTION.~~

~~(B) IF THE APPLICANT IS AN ENTITY, THE ENTITY SHALL APPOINT A MEMBER OF THE ENTITY AS THE REPRESENTATIVE MEMBER TO MAKE THE APPLICATION ON BEHALF OF THE ENTITY.~~

~~(C) AN INDIVIDUAL APPLICANT OR, IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER SHALL:~~

~~(1) HAVE AT LEAST 2 YEARS OF EXPERIENCE AS A FULL TIME STREAM RESTORATION CONTRACTOR OR DEMONSTRATE SIMILAR CONTRACTOR EXPERIENCE;~~

~~(2) PASS A WRITTEN STREAM RESTORATION CONTRACTOR TEST RECOGNIZED BY THE SECRETARY AND PREPARED IN CONSULTATION WITH THE BOARD OF THE MARYLAND STREAM RESTORATION ASSOCIATION;~~

~~(3) BE REGISTERED AND IN GOOD STANDING WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION;~~

~~(4) IF APPLICABLE, HAVE RESOLVED ALL NOTICES OF VIOLATION FROM THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, THE U.S. ARMY CORPS OF ENGINEERS, AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY;~~

~~(5) HAVE A FEDERAL TAX IDENTIFICATION NUMBER; AND~~

~~(6) CARRY:~~

~~(I) COMMERCIAL GENERAL LIABILITY INSURANCE WITH A \$1,000,000 TOTAL AGGREGATE MINIMUM; AND~~

~~(II) WORKERS' COMPENSATION INSURANCE, UNLESS EXEMPT BY LAW.~~

~~18-303.~~

1 ~~(A) (1) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:~~

2 ~~(I) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM~~
3 ~~THAT THE BOARD PROVIDES;~~

4 ~~(II) SUBMIT THE DOCUMENTS REQUIRED UNDER THIS SECTION;~~
5 ~~AND~~

6 ~~(III) PAY TO THE BOARD AN A REQUIRED APPLICATION FEE OF~~
7 ~~\$500 IN AN AMOUNT SET BY THE BOARD.~~

8 ~~(2) IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER~~
9 ~~SHALL COMPLETE THE APPLICATION FORM AND OTHERWISE BE RESPONSIBLE FOR~~
10 ~~THE ENTITY'S COMPLIANCE WITH THIS SECTION.~~

11 ~~(B) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICATION FORM~~
12 ~~PROVIDED BY THE BOARD SHALL REQUIRE:~~

13 ~~(I) THE NAME OF THE APPLICANT;~~

14 ~~(II) THE ADDRESS OF THE APPLICANT; AND~~

15 ~~(III) THE CURRENT AND PREVIOUS EMPLOYMENT OF THE~~
16 ~~APPLICANT RELEVANT TO THE FIELD OF STREAM RESTORATION CONTRACTING.~~

17 ~~(2) IF THE APPLICANT IS AN ENTITY, THE APPLICATION FORM~~
18 ~~PROVIDED BY THE BOARD SHALL REQUIRE:~~

19 ~~(I) A LIST OF THE ENTITY'S OWNERS; AND~~

20 ~~(II) FOR EACH ENTITY OWNER, THE SAME INFORMATION~~
21 ~~REQUIRED REGARDING AN INDIVIDUAL APPLICANT UNDER PARAGRAPH (1) OF THIS~~
22 ~~SUBSECTION.~~

23 ~~(3) FOR ALL APPLICANTS, THE APPLICATION FORM SHALL REQUIRE:~~

24 ~~(I) THE ADDRESS OF THE APPLICANT'S PROPOSED PRINCIPAL~~
25 ~~PLACE OF BUSINESS AND OF EACH PROPOSED BRANCH OFFICE;~~

26 ~~(II) ALL TRADE OR FICTITIOUS NAMES THAT THE APPLICANT~~
27 ~~INTENDS TO USE WHILE PERFORMING STREAM RESTORATION CONTRACTOR~~
28 ~~SERVICES; AND~~

1 ~~(H) AS THE BOARD CONSIDERS APPROPRIATE, ANY OTHER~~
2 ~~INFORMATION TO ASSIST IN THE EVALUATION OF:~~

3 1. ~~AN INDIVIDUAL APPLICANT; OR~~

4 2. ~~IF THE APPLICANT IS AN ENTITY, ANY ENTITY~~
5 ~~MEMBER.~~

6 ~~(C) THE APPLICATION FORM PROVIDED BY THE BOARD SHALL CONTAIN A~~
7 ~~STATEMENT ADVISING THE APPLICANT OF THE PENALTIES PROVIDED UNDER §~~
8 ~~18-403 OF THIS TITLE FOR A VIOLATION OF THIS TITLE.~~

9 ~~(D) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE INDIVIDUAL SHALL~~
10 ~~SIGN THE APPLICATION FORM UNDER OATH.~~

11 ~~(2) IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER~~
12 ~~OF THE ENTITY SHALL:~~

13 ~~(I) SIGN THE APPLICATION FORM UNDER OATH; AND~~

14 ~~(H) PROVIDE PROOF TO THE BOARD THAT THE~~
15 ~~REPRESENTATIVE MEMBER IS A MEMBER OF THE ENTITY.~~

16 ~~(E) AN APPLICANT FOR A LICENSE SHALL SUBMIT WITH THE APPLICATION~~
17 ~~PROOF OF THE INSURANCE REQUIRED UNDER § 18-302(C)(6) OF THIS SUBTITLE.~~

18 ~~18-304.~~

19 ~~THE BOARD MAY NOT ISSUE A LICENSE TO AN APPLICANT WHOSE TRADE OR~~
20 ~~FICTITIOUS NAME OR TRADEMARK IS SO SIMILAR TO THAT USED BY ANOTHER~~
21 ~~LICENSEE THAT THE PUBLIC MAY BE CONFUSED OR MISLED BY THE SIMILARITY.~~

22 ~~18-305.~~

23 ~~(A) THE BOARD SHALL ISSUE A LICENSE THAT IS VALID FOR 2 YEARS TO ANY~~
24 ~~APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE AND ANY REGULATION~~
25 ~~ADOPTED UNDER THIS TITLE.~~

26 ~~(B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD~~
27 ~~ISSUES:~~

28 ~~(1) THE FULL NAME OF THE LICENSEE;~~

29 ~~(2) THE LICENSE NUMBER;~~

1 ~~(3) THE LOCATION OF THE PRINCIPAL OFFICE AND OF EACH BRANCH~~
2 ~~OFFICE IF THE LICENSEE IS AN ENTITY;~~

3 ~~(4) THE DATE OF ISSUANCE OF THE LICENSE;~~

4 ~~(5) THE DATE ON WHICH THE LICENSE EXPIRES; AND~~

5 ~~(6) THE NAME OF THE REPRESENTATIVE MEMBER IF THE LICENSEE~~
6 ~~IS AN ENTITY.~~

7 ~~18-306.~~

8 ~~WHILE A LICENSE TO AN ENTITY IS IN EFFECT, THE LICENSE AUTHORIZES THE~~
9 ~~ENTITY TO:~~

10 ~~(1) EMPLOY AS STREAM RESTORATION CONTRACTORS INDIVIDUALS~~
11 ~~WHO ARE NOT LICENSED STREAM RESTORATION CONTRACTORS TO PROVIDE~~
12 ~~STREAM RESTORATION CONTRACTOR SERVICES TO THE PUBLIC ON BEHALF OF THE~~
13 ~~LICENSEE; AND~~

14 ~~(2) REPRESENT ITSELF TO THE PUBLIC AS A LICENSED STREAM~~
15 ~~RESTORATION CONTRACTOR ENTITY.~~

16 ~~18-307.~~

17 ~~A LICENSED STREAM RESTORATION CONTRACTOR SHALL:~~

18 ~~(1) INCLUDE THE CONTRACTOR'S STREAM RESTORATION~~
19 ~~CONTRACTOR LICENSE NUMBER IN ALL ADVERTISING RELATED TO THE PROVISION~~
20 ~~OF STREAM RESTORATION CONTRACTOR SERVICES; AND~~

21 ~~(2) PROMINENTLY DISPLAY THE CONTRACTOR'S STREAM~~
22 ~~RESTORATION CONTRACTOR LICENSE NUMBER ON ALL LARGE EQUIPMENT USED IN~~
23 ~~THE COURSE OF THE LICENSEE'S WORK AS A STREAM RESTORATION CONTRACTOR.~~

24 ~~18-308.~~

25 ~~(A) THE SECRETARY SHALL ADOPT REGULATIONS TO STAGGER THE TERMS~~
26 ~~OF THE LICENSES.~~

27 ~~(B) A LICENSE EXPIRES ON THE DATE THE SECRETARY SETS, IN~~
28 ~~ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.~~

1 ~~(C) AT LEAST 2 MONTHS BEFORE A LICENSE EXPIRES, THE BOARD SHALL~~
2 ~~SEND TO THE LICENSEE, BY FIRST CLASS MAIL OR AND ELECTRONICALLY, TO THE~~
3 ~~LAST KNOWN ADDRESS OF THE LICENSEE:~~

4 ~~(1) A RENEWAL APPLICATION FORM; AND~~

5 ~~(2) A NOTICE THAT STATES:~~

6 ~~(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;~~

7 ~~(II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE~~
8 ~~RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE~~
9 ~~LICENSE EXPIRES; AND~~

10 ~~(III) THE AMOUNT OF THE RENEWAL FEE.~~

11 ~~(D) BEFORE A LICENSE EXPIRES, THE LICENSEE MAY RENEW THE LICENSE~~
12 ~~FOR AN ADDITIONAL 2-YEAR TERM IF THE LICENSEE:~~

13 ~~(1) IS OTHERWISE ENTITLED TO BE LICENSED;~~

14 ~~(2) PAYS TO THE BOARD:~~

15 ~~(I) THE REQUIRED RENEWAL FEE SET BY THE BOARD; AND~~

16 ~~(II) ANY OUTSTANDING FEES; AND~~

17 ~~(3) SUBMITS TO THE BOARD:~~

18 ~~(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE~~
19 ~~CONTINUING EDUCATION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (E) OF~~
20 ~~THIS SECTION;~~

21 ~~(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE~~
22 ~~INSURANCE REQUIREMENTS ESTABLISHED UNDER § 18-302(C)(6) OF THIS~~
23 ~~SUBTITLE;~~

24 ~~(III) SATISFACTORY EVIDENCE OF THE RESOLUTION OF ANY~~
25 ~~LICENSE VIOLATIONS, SUSPENSIONS, DENIALS, REVOCATIONS, OR OTHER BOARD~~
26 ~~ACTIONS TAKEN UNDER THIS TITLE; AND~~

27 ~~(IV) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD~~
28 ~~PROVIDES.~~

1 ~~(E) (1) A LICENSEE SHALL COMPLETE 12 HOURS OF CONTINUING~~
2 ~~EDUCATION INSTRUCTION COVERING STREAM RESTORATION CONTRACTOR~~
3 ~~SUBJECT MATTER APPROVED BY THE BOARD.~~

4 ~~(2) (I) THE BOARD SHALL APPROVE THE SUBSTANCE AND FORM~~
5 ~~OF A CONTINUING EDUCATION COURSE IF THE COURSE IS:~~

6 ~~1. OFFERED BY A QUALIFIED INSTRUCTOR; OR~~

7 ~~2. CONDUCTED BY AN EDUCATIONAL INSTITUTION~~
8 ~~APPROVED BY THE BOARD.~~

9 ~~(II) THE LICENSEE IS RESPONSIBLE FOR THE COST OF ANY~~
10 ~~CONTINUING EDUCATION COURSE.~~

11 ~~(F) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE THAT~~
12 ~~MEETS THE REQUIREMENTS OF THIS SECTION.~~

13 ~~18-309.~~

14 ~~WITHIN 5 DAYS AFTER THE CHANGE, A LICENSEE SHALL SUBMIT TO THE~~
15 ~~BOARD WRITTEN NOTICE OF:~~

16 ~~(1) ANY CHANGE IN THE ADDRESS OR TELEPHONE NUMBER OF AN~~
17 ~~EXISTING OFFICE OR PRINCIPAL PLACE OF BUSINESS; AND~~

18 ~~(2) IF THE LICENSEE IS AN ENTITY, THE ADDITION OF A BRANCH~~
19 ~~OFFICE.~~

20 ~~18-310.~~

21 ~~(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE~~
22 ~~GOVERNMENT ARTICLE, AND SUBJECT TO THE NOTICE AND HEARING~~
23 ~~REQUIREMENTS IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY DENY,~~
24 ~~REFUSE TO RENEW, SUSPEND, OR REVOKE A LICENSE IF THE APPLICANT OR~~
25 ~~LICENSEE:~~

26 ~~(1) VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION~~
27 ~~ADOPTED UNDER THIS TITLE;~~

28 ~~(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO~~
29 ~~OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR ANOTHER PERSON;~~

30 ~~(3) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;~~

1 ~~(4) COMMITS ANY GROSS NEGLIGENCE, INCOMPETENCE, OR~~
2 ~~MISCONDUCT WHILE PRACTICING STREAM RESTORATION CONTRACTOR SERVICES;~~
3 ~~OR~~

4 ~~(5) IN THE CRITICAL AREA, AS DEFINED UNDER § 8-1802 OF THE~~
5 ~~NATURAL RESOURCES ARTICLE, FAILS TO COMPLY WITH:~~

6 ~~(I) THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE, OR~~
7 ~~APPROVAL; OR~~

8 ~~(H) ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR OTHER~~
9 ~~LEGAL REQUIREMENT.~~

10 ~~(B) THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND~~
11 ~~ATLANTIC COASTAL BAYS, ESTABLISHED UNDER TITLE 8, SUBTITLE 18 OF THE~~
12 ~~NATURAL RESOURCES ARTICLE, SHALL NOTIFY THE BOARD OF ANY LICENSED~~
13 ~~STREAM RESTORATION CONTRACTOR OR APPLICANT FOR A LICENSE THAT FAILS TO~~
14 ~~COMPLY WITH ANY REQUIREMENT UNDER SUBSECTION (A)(5) OF THIS SECTION.~~

15 ~~(C) (1) BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER~~
16 ~~SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL GIVE THE APPLICANT OR~~
17 ~~LICENSEE AGAINST WHOM THE ACTION IS CONTEMPLATED NOTICE AND THE~~
18 ~~OPPORTUNITY FOR A HEARING BEFORE THE BOARD.~~

19 ~~(2) THE BOARD SHALL PROVIDE NOTICE AND HOLD A HEARING IN~~
20 ~~ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.~~

21 ~~(3) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE~~
22 ~~SHALL BE:~~

23 ~~(I) SERVED PERSONALLY ON THE INDIVIDUAL; OR~~

24 ~~(H) SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,~~
25 ~~BEARING A POSTMARK FROM THE U.S. POSTAL SERVICE, TO THE LAST KNOWN~~
26 ~~ADDRESS OF THE INDIVIDUAL OR ENTITY.~~

27 ~~(4) IF, AFTER DUE NOTICE, THE APPLICANT OR LICENSEE AGAINST~~
28 ~~WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD~~
29 ~~MAY HEAR AND DETERMINE THE MATTER.~~

30 ~~(D) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, ANY~~
31 ~~PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD MAY TAKE AN APPEAL AS~~
32 ~~AUTHORIZED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.~~

~~(E) FOR PURPOSES OF THIS SECTION, AN ACT OR OMISSION OF ANY PRINCIPAL, AGENT, OR EMPLOYEE OF AN APPLICANT OR LICENSEE MAY BE CONSTRUED TO BE THE ACT OR OMISSION OF THE APPLICANT OR LICENSEE, AS WELL AS OF THE PRINCIPAL, AGENT, OR EMPLOYEE.~~

~~18 311.~~

~~(A) ON BECOMING AWARE OF A VIOLATION BY A LICENSEE UNDER THIS TITLE, THE DEPARTMENT SHALL PROVIDE NOTICE OF THE VIOLATION TO THE LICENSEE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE U.S. POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL OR ENTITY.~~

~~(B) A LICENSE ISSUED UNDER THIS TITLE IS VOIDED IF:~~

~~(1) THERE IS A LAPSE OF THE INSURANCE REQUIRED UNDER § 18 302(C)(6) OF THIS SUBTITLE; OR~~

~~(2) THE DEPARTMENT ISSUES THREE NOTICES OF VIOLATION TO THE LICENSEE IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.~~

~~SUBTITLE 4. PROHIBITED ACTS; PENALTIES.~~

~~18 401.~~

~~EXCEPT AS PROVIDED IN §§ 18 301 AND 18 306 OF THIS TITLE, AN INDIVIDUAL OR ENTITY MAY NOT CONDUCT, ATTEMPT TO CONDUCT, OR OFFER TO CONDUCT ANY STREAM RESTORATION CONTRACTOR SERVICES UNLESS THE INDIVIDUAL OR ENTITY IS LICENSED BY THE BOARD TO PERFORM THE SERVICES.~~

~~18 402.~~

~~UNLESS AUTHORIZED TO PERFORM STREAM RESTORATION CONTRACTOR SERVICES UNDER THIS TITLE, AN INDIVIDUAL OR ENTITY MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL OR ENTITY IS AUTHORIZED TO PERFORM STREAM RESTORATION CONTRACTOR SERVICES IN THE STATE.~~

~~18 403.~~

~~(A) (1) (i) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON THAT VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION~~

~~ADOPTED UNDER THIS TITLE IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT EXCEEDING \$10,000 FOR EACH VIOLATION.~~

~~(H) IN DETERMINING THE AMOUNT OF THE PENALTY UNDER THIS PARAGRAPH, THE BOARD SHALL CONSIDER:~~

~~1. THE SERIOUSNESS OF THE VIOLATION;~~

~~2. THE HARM CAUSED BY THE VIOLATION;~~

~~3. THE GOOD FAITH OF THE LICENSEE; AND~~

~~4. WHETHER THE LICENSEE HAS A HISTORY OF PREVIOUS VIOLATIONS;~~

~~(I) \$500 FOR A FIRST VIOLATION;~~

~~(II) \$1,000 FOR A SECOND VIOLATION; AND~~

~~(III) \$5,000 FOR A THIRD OR SUBSEQUENT VIOLATION.~~

~~(2) THE SUM OF ADMINISTRATIVE PENALTIES IMPOSED ON A PERSON UNDER THIS SECTION MAY NOT EXCEED \$25,000.~~

~~(3) (2) EACH DAY THAT A PERSON CONDUCTS STREAM RESTORATION CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.~~

~~(B) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE WETLANDS AND WATERWAYS PROGRAM FUND, ESTABLISHED UNDER § 5-203.1 OF THIS ARTICLE, TO BE USED FOR THE ADMINISTRATION OF THE BOARD.~~

~~(C) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

~~SUBTITLE 5. STREAM AND FLOODPLAIN RESTORATION PROJECTS.~~

~~18-501.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

1 ~~(2) "LIMIT OF CLEARING" MEANS THE BOUNDARIES WITHIN WHICH~~
2 ~~PLANNED CUTTING, CLEARING, OR GRUBBING OF VEGETATION ASSOCIATED WITH~~
3 ~~STREAM RESTORATION CONTRACTOR SERVICES WILL OCCUR.~~

4 ~~(3) "LIMIT OF DISTURBANCE" MEANS THE BOUNDARY WITHIN WHICH~~
5 ~~ADDITIONAL CONSTRUCTION, MATERIALS AND EQUIPMENT STORAGE, GRADING,~~
6 ~~LANDSCAPING, AND RELATED ACTIVITIES MAY OCCUR.~~

7 ~~(4) "PROJECT APPLICANT" MEANS AN INDIVIDUAL OR ENTITY~~
8 ~~LICENSED UNDER SUBTITLE 3 OF THIS TITLE, OR AUTHORIZED TO PERFORM~~
9 ~~STREAM RESTORATION CONTRACTOR SERVICES UNDER § 18 301 OF THIS TITLE.~~

10 ~~(5) "STREAM RESTORATION CONTRACTOR SERVICES" HAS THE~~
11 ~~MEANING STATED IN § 18 101 OF THIS TITLE.~~

12 ~~(B) A PROJECT APPLICANT SEEKING AN AUTHORIZATION FOR A STREAM~~
13 ~~AND FLOODPLAIN RESTORATION PROJECT IN THE STATE SHALL BE SUBJECT TO THE~~
14 ~~REQUIREMENTS OF THIS SECTION.~~

15 ~~(C) (1) A PROJECT APPLICANT SHALL PROVIDE PUBLIC NOTICE AT 30%~~
16 ~~DESIGN COMPLETION, INCLUDING:~~

17 ~~(I) MAILING WRITTEN NOTICE TO ANY RESIDENCE OR~~
18 ~~BUSINESS WITHIN A RADIUS OF 200 FEET OF THE PROPOSED PROJECT AREA'S~~
19 ~~BOUNDARY; AND~~

20 ~~(II) POSTING NOTICE AT POINTS OF PUBLIC ACCESS TO THE~~
21 ~~PROJECT.~~

22 ~~(2) THE PUBLIC NOTICE REQUIRED UNDER THIS SUBSECTION SHALL~~
23 ~~INCLUDE:~~

24 ~~(I) INFORMATION ON THE PROJECT APPLICANT APPLYING FOR~~
25 ~~PROJECT AUTHORIZATION, INCLUDING CONTACT INFORMATION FOR THE~~
26 ~~APPLICANT;~~

27 ~~(II) THE PURPOSE OF THE PROJECT; AND~~

28 ~~(III) IF APPLICABLE, INFORMATION ABOUT THE PUBLIC~~
29 ~~MEETING UNDER SUBSECTION (D) OF THIS SECTION.~~

30 ~~(D) (1) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IF:~~

31 ~~(I) THE PROJECT APPLICANT IS AN INDIVIDUAL;~~

1 ~~(H) THE PROPOSED PROJECT IS SITED ON THE INDIVIDUAL'S~~
2 ~~PROPERTY; AND~~

3 ~~(H) NO RESIDENCE, OTHER THAN THE INDIVIDUAL'S~~
4 ~~RESIDENCE, OR BUSINESS IS LOCATED WITHIN A RADIUS OF 200 FEET FROM THE~~
5 ~~PROJECT BOUNDARY.~~

6 ~~(2) A PROJECT APPLICANT SHALL:~~

7 ~~(I) HOLD AN IN PERSON PUBLIC MEETING THAT INCLUDES AN~~
8 ~~OPTION FOR VIRTUAL ATTENDANCE;~~

9 ~~(II) TAKE MEETING MINUTES AND RECORD THE MEETING;~~

10 ~~(III) PRESENT:~~

11 ~~1. THE PROJECT DESIGN REPORT AND PLANS;~~

12 ~~2. A FOREST STAND DELINEATION;~~

13 ~~3. THE DEPARTMENT'S STREAM RESTORATION~~
14 ~~AUTHORIZATION CHECKLIST; AND~~

15 ~~3. 4. A SEPARATE SHEET WITH THE DESIGN DRAWINGS~~
16 ~~CLEARLY IDENTIFYING:~~

17 ~~A. THE LIMIT OF CLEARING, IF ANY; AND~~

18 ~~B. THE LIMIT OF DISTURBANCE; AND~~

19 ~~(IV) POST THE DOCUMENTS AND MEETING MINUTES ON THE~~
20 ~~PROJECT APPLICANT'S WEBSITE.~~

21 ~~(3) A PROJECT APPLICANT SHALL HOLD THE PUBLIC MEETING~~
22 ~~REQUIRED UNDER THIS SUBSECTION WHEN THE PROJECT DESIGN IS 60%~~
23 ~~COMPLETE.~~

24 ~~(E) A PROJECT APPLICANT SHALL SUBMIT TO THE DEPARTMENT ALL~~
25 ~~RELEVANT DOCUMENTS AS PART OF THE APPLICATION AND REVIEW PROCESS,~~
26 ~~INCLUDING:~~

27 ~~(1) THE PROJECT DESIGN REPORT AND DRAWINGS, INCLUDING A~~
28 ~~SHEET CLEARLY IDENTIFYING:~~

1 ~~(I) THE LIMIT OF CLEARING, IF ANY; AND~~

2 ~~(II) THE LIMIT OF DISTURBANCE;~~

3 ~~(2) THE FOREST STAND DELINEATION;~~

4 ~~(3) RESPONSES TO THE DEPARTMENT'S STREAM RESTORATION~~
5 ~~CHECKLIST GUIDANCE DOCUMENT STREAM RESTORATION AUTHORIZATION~~
6 ~~CHECKLIST;~~

7 ~~(4) THE MEETING MINUTES AND, IF FEASIBLE, THE RECORDING FROM~~
8 ~~THE PUBLIC MEETING CONDUCTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS~~
9 ~~SECTION; AND~~

10 ~~(5) ANY OTHER DOCUMENTS OR INFORMATION REQUESTED BY THE~~
11 ~~DEPARTMENT.~~

12 ~~(F) (1) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IF:~~

13 ~~(I) THE PROJECT APPLICANT IS AN INDIVIDUAL;~~

14 ~~(II) THE PROPOSED PROJECT IS SITED ON THE INDIVIDUAL'S~~
15 ~~PROPERTY; AND~~

16 ~~(III) NO RESIDENCE, OTHER THAN THE INDIVIDUAL'S~~
17 ~~RESIDENCE, OR BUSINESS IS LOCATED WITHIN A RADIUS OF 200 FEET FROM THE~~
18 ~~PROJECT BOUNDARY.~~

19 ~~(2) WITHIN 24 HOURS AFTER SUBMITTING AN APPLICATION TO THE~~
20 ~~DEPARTMENT, A PROJECT APPLICANT SHALL POST ON ITS WEBSITE:~~

21 ~~(1) (I) NOTICE THAT IT HAS SUBMITTED AN APPLICATION; AND~~

22 ~~(2) (II) THE DATE OF SUBMISSION OF THE APPLICATION.~~

23 ~~18-502.~~

24 ~~(A) THE DEPARTMENT MAY AUTHORIZE A STREAM AND FLOODPLAIN~~
25 ~~RESTORATION PROJECT IN ACCORDANCE WITH THIS SECTION.~~

26 ~~(B) PRIOR TO THE AUTHORIZATION OF ANY STREAM AND FLOODPLAIN~~
27 ~~RESTORATION PROJECT IN THE STATE, THE DEPARTMENT SHALL:~~

1 ~~(1) ASSESS DOCUMENTATION SUBMITTED BY THE PROJECT~~
 2 ~~APPLICANT FOR DEGRADATION CRITERIA RELATED TO:~~

3 ~~(I) AN EXISTING BIOLOGICAL FUNCTION-BASED PARAMETER;~~
 4 ~~AND~~

5 ~~(II) A PHYSICAL PARAMETER, INCLUDING AN EXISTING~~
 6 ~~GEOMORPHOLOGIC OR HYDRAULIC FUNCTION-BASED PARAMETER;~~

7 ~~(2) ASSESS WHETHER THE PROJECT APPLICANT INCORPORATED THE~~
 8 ~~FOLLOWING COBENEFITS, AS APPROPRIATE, INTO THE APPLICATION:~~

9 ~~(I) THE CREATION OR RESTORATION OF WILDLIFE HABITAT,~~
 10 ~~RIPARIAN BUFFERS, AND WETLAND RESTORATION;~~

11 ~~(II) THE RESTORATION OF AQUATIC RESOURCES, SUCH AS~~
 12 ~~FRESHWATER MUSSELS, FISH PASSAGE, OR OYSTER REEFS;~~

13 ~~(III) CARBON SEQUESTRATION;~~

14 ~~(IV) CLIMATE CHANGE MITIGATION, ADAPTATION, OR~~
 15 ~~RESILIENCE;~~

16 ~~(V) IMPROVING AND PROTECTING PUBLIC HEALTH; AND~~

17 ~~(VI) RECREATIONAL OPPORTUNITIES AND PUBLIC ACCESS TO~~
 18 ~~WATERWAYS AND NATURAL HABITATS;~~

19 ~~(3) ASSESS DOCUMENTATION OF COMMUNITY NOTIFICATIONS~~
 20 ~~CONDUCTED BY THE PROJECT APPLICANT PRIOR TO THE SUBMISSION OF THE~~
 21 ~~APPLICATION;~~

22 ~~(4) ASSESS WHETHER THE PROJECT APPLICANT INCORPORATED, TO~~
 23 ~~THE EXTENT PRACTICABLE, RECOGNIZED BEST MANAGEMENT PRACTICES TO:~~

24 ~~(I) MAXIMIZE ECOLOGICAL UPLIFT;~~

25 ~~(II) MINIMIZE:~~

26 ~~1. IMPACTS TO WILDLIFE HABITATS;~~

27 ~~2. TREE LOSS AND REMOVAL;~~

28 ~~3. EARTH DISTURBANCE; AND~~

1 ~~4. DISTURBANCE TO NATIVE VEGETATION;~~

2 ~~(III) AVOID IMPACTS TO:~~

3 ~~1. LARGE NONINVASIVE NATIVE PLANT COMMUNITIES;~~

4 ~~AND~~

5 ~~2. SPECIMEN TREES;~~

6 ~~(IV) USE EXISTING AREAS SUITABLE FOR MATERIAL STAGING~~
7 ~~AREAS TO AVOID FOREST REMOVAL;~~

8 ~~(V) LIMIT CONSTRUCTION ACCESS ROAD WIDTHS;~~

9 ~~(VI) LIMIT THE IMPACTS OF INGRESS AND EGRESS POINTS TO~~
10 ~~MINIMIZE FOREST IMPACTS; AND~~

11 ~~(VII) WHERE APPROPRIATE, PRIORITIZE THE REMOVAL OF~~
12 ~~NONNATIVE AND INVASIVE;~~

13 ~~1. TREES; AND~~

14 ~~2. VEGETATION; AND~~

15 ~~(5) ESTABLISH A PLAN TO PROVIDE FOR AT LEAST 5 YEARS OF~~
16 ~~MONITORING IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;~~

17 ~~(C) THE DEPARTMENT'S ASSESSMENT REVIEW REQUIRED UNDER~~
18 ~~SUBSECTION (B)(3) OF THIS SECTION SHALL INCLUDE:~~

19 ~~(1) WHETHER THE PROJECT APPLICANT PROVIDED NOTICE AS~~
20 ~~REQUIRED IN § 18-501 OF THIS SUBTITLE;~~

21 ~~(2) WHETHER THE PROJECT APPLICANT CONDUCTED COMMUNITY~~
22 ~~MEETINGS WITHIN THE COMMUNITY IMPACTED BY THE PROJECT A PUBLIC MEETING~~
23 ~~AS REQUIRED IN § 18-501(D) OF THIS SUBTITLE;~~

24 ~~(3) WHETHER THE PROJECT APPLICANT PLACED APPROPRIATE~~
25 ~~PROJECT SIGNAGE;~~

26 ~~(4) WHETHER THE PROJECT APPLICANT CONSIDERED THE~~
27 ~~PROJECT'S COMPATIBILITY WITH LOCAL LAND USE, ESPECIALLY IN URBAN,~~
28 ~~SUBURBAN, AND OTHER HIGH VISIBILITY AREAS;~~

~~(5) WHETHER AND HOW THE PROJECT APPLICANT CONSIDERED AND RESPONDED TO RELEVANT PUBLIC INPUT, INCLUDING ANY RESULTING MODIFICATIONS TO THE PROJECT; AND~~

~~(6) HOW THE PROJECT APPLICANT CONSIDERED PUBLIC INPUT IN THE FINAL APPLICATION DESIGN.~~

~~(D) (1) ON COMPLETION OF A STREAM AND FLOODPLAIN RESTORATION PROJECT, THE DEPARTMENT SHALL PROVIDE FOR AT LEAST 5 YEARS OF MONITORING PER THE DESIGN AND PERMIT ASSOCIATED WITH THE DESIGN FOR EACH AUTHORIZED PROJECT.~~

~~(2) THE MONITORING REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AN ASSESSMENT OF STREAM STABILITY, STREAM AND FLOODPLAIN FUNCTION, AND VEGETATION VIABILITY WITHIN THE AFFECTED PROJECT AREA.~~

~~18-503.~~

~~ON OR BEFORE DECEMBER 1, 2024, AND EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE SENATE COMMITTEE ON EDUCATION, ENERGY, AND THE ENVIRONMENT AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON ANY CHANGES MADE TO THE STREAM RESTORATION AUTHORIZATION CHECKLIST SINCE DECEMBER 1, 2023.~~

~~SUBTITLE 5.6. TERMINATION OF TITLE SUBTITLES.~~

~~18-501. 18-601.~~

~~SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND SUBTITLES 1 THROUGH 4 OF THIS TITLE AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE AND SUBTITLES 1 THROUGH 4 OF THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2033 JUNE 30, 2029.~~

Article – Natural Resources

8-2A-02.

(a) There is a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

(b) The purpose of the Fund is to provide financial assistance necessary to advance Maryland's progress in meeting the goals established in the 2014 Chesapeake Bay Watershed Agreement for the restoration of the Chesapeake Bay and its tributaries,

1 including the Patuxent River, and to restore the health of the Atlantic Coastal Bays and
2 their tributaries, by focusing limited financial resources on nonpoint source pollution
3 control projects in all regions of the State.

4 (f) (5) IN EACH FISCAL YEAR FROM 2026 THROUGH 2030, INCLUSIVE, UP
5 TO \$100,000 FROM THE FUND SHALL BE USED TO FUND THE OPERATIONS GRANTS
6 UNDER § 8-2B-02(G)(3) OF THIS TITLE AT A RATE OF \$20,000 PER ~~GRANT~~
7 RECIPIENT PROJECT SPONSOR EACH FISCAL YEAR.

8 **SUBTITLE 2B. WHOLE WATERSHED RESTORATION PARTNERSHIP AND FUND.**

9 **8-2B-01.**

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) (1) "ACTION" MEANS THE INSTALLATION, RESTORATION, OR
13 ENHANCEMENT OF:

14 (I) A NATURAL FEATURE;

15 (II) AN ACTIVITY RELATED TO THE FORM AND FUNCTION OF A
16 NATURAL FEATURE; OR

17 (III) LAND CONSERVATION MEASURES.

18 (2) "ACTION" INCLUDES THE PLANNING, DESIGN, ENGINEERING,
19 DRAFTING OF LEGAL INSTRUMENTS, AND MAINTENANCE NECESSARY TO ESTABLISH
20 A NATURAL FEATURE, AN ACTIVITY RELATED TO THE FORM AND FUNCTION OF A
21 NATURAL FEATURE, OR LAND CONSERVATION MEASURES.

22 (C) "FUND" MEANS THE WHOLE WATERSHED FUND.

23 (D) "OVERBURDENED COMMUNITY" HAS THE MEANING STATED IN § 1-701
24 OF THE ENVIRONMENT ARTICLE.

25 (E) "PARTNERSHIP" MEANS THE WHOLE WATERSHED RESTORATION
26 PARTNERSHIP.

27 (F) "PROJECT" MEANS A COLLECTION OF RESTORATION AND
28 CONSERVATION ACTIONS COORDINATED BY MULTIPLE ENTITIES TO IMPROVE
29 SHALLOW WATER HABITAT.

1 (G) "PROJECT SPONSOR" MEANS THE ENTITY RESPONSIBLE FOR
2 ADMINISTERING A PROJECT, INCLUDING ACCOUNTING FOR FUNDS, COORDINATING
3 PARTNERS AND ACTIONS, AND REPORTING OUTCOMES.

4 (H) (1) "SHALLOW WATER HABITAT" MEANS THE PORTION OF THE
5 CHESAPEAKE AND ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES FOR WHICH
6 THE STATE HAS ADOPTED WATER QUALITY CRITERIA TO SUPPORT SUBMERGED
7 AQUATIC VEGETATION.

8 (2) "SHALLOW WATER HABITAT" INCLUDES THE SUSQUEHANNA
9 RIVER AND ITS TRIBUTARIES WITHIN THE STATE.

10 (I) "STATE MANAGEMENT TEAM" MEANS THE REPRESENTATIVES
11 DESIGNATED TO ADMINISTER THE PARTNERSHIP.

12 (J) "UNDERSERVED COMMUNITY" HAS THE MEANING STATED IN § 1-701 OF
13 THE ENVIRONMENT ARTICLE.

14 8-2B-02.

15 (A) THERE IS A WHOLE WATERSHED RESTORATION PARTNERSHIP.

16 (B) THE PURPOSE OF THE PARTNERSHIP IS TO ACCELERATE RESTORATION
17 OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS BY
18 EQUITABLY FOCUSING ASSISTANCE ON ACTIONS AND AREAS THAT ARE:

19 (1) COST-EFFECTIVE;

20 (2) LIKELY TO DEMONSTRATE A RAPID SYSTEMIC RESPONSE TO
21 RESTORATION ACTIVITY, INCLUDING RAPID DE-LISTING OF IMPAIRED STREAMS
22 IDENTIFIED UNDER § 303(D) OF THE FEDERAL CLEAN WATER ACT; AND

23 (3) SUPPORTED BY THE LOCAL ~~COMMUNITY~~ GOVERNMENT.

24 (C) (1) THE SECRETARY SHALL ESTABLISH A STATE MANAGEMENT TEAM
25 TO ADMINISTER THE PARTNERSHIP.

26 (2) THE STATE MANAGEMENT TEAM SHALL INCLUDE:

27 (I) ONE REPRESENTATIVE OF THE DEPARTMENT, DESIGNATED
28 BY THE SECRETARY;

29 (II) ONE REPRESENTATIVE OF THE DEPARTMENT OF THE
30 ENVIRONMENT, DESIGNATED BY THE SECRETARY OF ENVIRONMENT;

1 (III) ONE REPRESENTATIVE OF THE DEPARTMENT OF
2 AGRICULTURE, DESIGNATED BY THE SECRETARY OF AGRICULTURE;

3 (IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF
4 PLANNING, DESIGNATED BY THE SECRETARY OF PLANNING;

5 (V) ONE REPRESENTATIVE OF THE CRITICAL AREA
6 COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, DESIGNATED
7 BY THE CHAIR OF THE COMMISSION; AND

8 (VI) THE CHIEF RESILIENCE OFFICER, OR THE CHIEF
9 RESILIENCE OFFICER'S DESIGNEE.

10 (3) THE REPRESENTATIVE OF THE DEPARTMENT SHALL CHAIR THE
11 STATE MANAGEMENT TEAM.

12 (4) THE STATE MANAGEMENT TEAM SHALL COORDINATE WITH
13 OTHER ENTITIES, INCLUDING THE U.S. ARMY CORPS OF ENGINEERS AND THE U.S.
14 ENVIRONMENTAL PROTECTION AGENCY, AS NECESSARY TO CARRY OUT ITS
15 FUNCTIONS AND DUTIES UNDER THIS SUBTITLE.

16 (D) (1) THE PARTNERSHIP SHALL EMPLOY STAFF IN ACCORDANCE WITH
17 THE STATE BUDGET.

18 (2) STATE AGENCIES MAY PROVIDE STAFF OR OTHER ASSISTANCE TO
19 THE PARTNERSHIP.

20 (E) ON OR BEFORE OCTOBER 1, 2024, AND EVERY 5 YEARS THEREAFTER,
21 THE STATE MANAGEMENT TEAM SHALL ISSUE A REQUEST FOR PROPOSALS FOR
22 PROJECTS THAT:

23 (1) OCCUR WITHIN A SINGLE MARYLAND 8-DIGIT WATERSHED AS
24 IDENTIFIED IN THE STATEWIDE DIGITAL WATERSHED FILE MAINTAINED BY THE
25 DEPARTMENT OF INFORMATION TECHNOLOGY;

26 (2) INCLUDE A STRATEGY DESCRIBING THE PARTNERS, ACTIONS,
27 AND BENEFITS THAT THE PROJECT WILL INCORPORATE OVER A 5-YEAR PERIOD;

28 (3) PROVIDE AT LEAST FIVE OF THE BENEFITS SPECIFIED UNDER
29 SUBSECTION (F)(2)(VIII) OF THIS SECTION; AND

30 (4) ARE ENDORSED BY EACH COUNTY AND MUNICIPAL CORPORATION
31 IN WHICH THE PROJECT WILL OCCUR.

1 (F) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON OR
2 BEFORE MARCH 1, 2025, AND EVERY 5 YEARS THEREAFTER, THE STATE
3 MANAGEMENT TEAM MAY APPROVE UP TO FIVE PROJECTS TO RECEIVE ASSISTANCE
4 UNDER THIS SECTION.

5 (2) THE STATE MANAGEMENT TEAM SHALL EVALUATE A PROPOSED
6 PROJECT BASED ON WHETHER THE PROPOSED PROJECT:

7 (I) IS LOCATED IN A WATERSHED IN WHICH HABITAT
8 RESTORATION AND POLLUTION REDUCTION WILL:

9 1. RESULT IN THE GREATEST IMPROVEMENTS TO
10 SHALLOW WATER HABITAT AND LIVING RESOURCES;

11 2. ACHIEVE RAPID DE-LISTING OF IMPAIRED STREAMS
12 IDENTIFIED UNDER § 303(D) OF THE FEDERAL CLEAN WATER ACT AND PUBLISHED
13 IN THE DEPARTMENT OF THE ENVIRONMENT'S TRIENNIAL REVIEW OF WATER
14 QUALITY STANDARDS; OR

15 3. GENERATE RAPIDLY-IMPROVING CONDITIONS IN
16 THE LOCAL ECOSYSTEM;

17 (II) EMPHASIZES ACTIONS THAT ARE EXPECTED TO PROVIDE
18 THE GREATEST, MOST COST-EFFECTIVE, AND MEASURABLE AMOUNT OF POLLUTION
19 REDUCTION;

20 (III) SUPPORTS LAND USE POLICIES, CONSERVATION
21 PROGRAMS, AND RESTORATION PROTOCOLS AT THE LOCAL LEVEL THAT WILL
22 SUSTAIN PROJECT ACTIONS AND OUTCOMES;

23 (IV) HAS DOCUMENTED INTEREST FROM A GROUP OF AFFECTED
24 PROPERTY OWNERS TO ALLOW RESTORATION OR CONSERVATION ACTIONS ON
25 THEIR PROPERTY;

26 (V) MINIMIZES THE LOSS OF TREES AND OTHER NATURAL
27 HABITATS;

28 (VI) DEMONSTRATES OPPORTUNITIES TO IMPLEMENT ACTIONS
29 THAT REDUCE ENVIRONMENTAL DISPARITIES EXPERIENCED BY OVERBURDENED
30 OR UNDERSERVED COMMUNITIES;

31 (VII) DEMONSTRATES OPPORTUNITIES TO FOSTER INNOVATION
32 IN RESTORATION SCIENCE OR PRACTICES;

1 **(VIII) IN ADDITION TO LAND-BASED HABITAT RESTORATION AND**
2 **WATER QUALITY IMPROVEMENT, ANTICIPATES BENEFITS RELATED TO:**

3 **1. THE CREATION OR RESTORATION OF WILDLIFE**
4 **HABITAT, RIPARIAN BUFFERS, AND WETLAND RESTORATION;**

5 **2. THE RESTORATION OF AQUATIC RESOURCES, SUCH**
6 **AS FRESH WATER MUSSELS, FISH PASSAGE, OR OYSTER REEFS;**

7 **3. CARBON SEQUESTRATION;**

8 **4. CLIMATE CHANGE MITIGATION, ADAPTATION, OR**
9 **RESILIENCE;**

10 **5. LOCAL EMPLOYMENT OPPORTUNITIES;**

11 **6. IMPROVING AND PROTECTING PUBLIC HEALTH; AND**

12 **7. RECREATIONAL OPPORTUNITIES AND PUBLIC**
13 **ACCESS TO WATERWAYS AND NATURAL HABITATS; AND**

14 **(IX) CREATES PARTNERSHIP OPPORTUNITIES AMONG**
15 **NONPROFIT AND FOR PROFIT ORGANIZATIONS, COMMUNITY ORGANIZATIONS, ALL**
16 **LEVELS OF GOVERNMENT, AND SCIENTISTS.**

17 **(3) THE STATE MANAGEMENT TEAM SHALL:**

18 **(I) WORK TO ENSURE THAT THE PROJECTS APPROVED**
19 **INCLUDE:**

20 **1. ONE PROJECT LOCATED IN A PREDOMINANTLY**
21 **URBAN AREA;**

22 **2. ONE PROJECT LOCATED IN A PREDOMINANTLY**
23 **SUBURBAN AREA;**

24 **3. TWO PROJECTS PRIMARILY FOCUSED ON REDUCING**
25 **POLLUTION IN A PREDOMINANTLY AGRICULTURAL AREA; AND**

26 **4. ONE PROJECT THAT INCORPORATES**
27 **COLLABORATIVE EFFORTS WITH AN ADJOINING STATE; AND**

1 **(II) ENSURE THAT AT LEAST TWO APPROVED PROJECTS ARE**
2 **LOCATED IN AND PROVIDE BENEFITS TO AN OVERBURDENED OR UNDERSERVED**
3 **COMMUNITY.**

4 **(4) THE STATE MANAGEMENT TEAM MAY REQUIRE SITING, DESIGN,**
5 **CONSTRUCTION, MAINTENANCE, AND OPERATION PRINCIPLES AND STANDARDS FOR**
6 **A PROJECT THAT ARE IN ADDITION TO THOSE REQUIRED BY LAW OR REGULATION IF**
7 **THE TEAM DETERMINES THAT THOSE PRINCIPLES AND STANDARDS ARE NECESSARY**
8 **TO PRESERVE THE BENEFITS OF THE PROJECT.**

9 **(G) FOR A PERIOD OF 5 YEARS AFTER APPROVING A PROJECT, THE STATE**
10 **MANAGEMENT TEAM SHALL:**

11 **(1) ASSIST THE PROJECT SPONSOR IN DEVELOPING AN**
12 **IMPLEMENTATION AND FINANCING PLAN, INCLUDING MEASURABLE OUTCOMES,**
13 **FOR THE DURATION OF THE PROJECT;**

14 **(2) AWARD IMPLEMENTATION GRANTS FROM THE FUND AND OTHER**
15 **APPROPRIATE STATE FUNDS AND ACCOUNTS:**

16 **(I) FOR UP TO 50% OF PROJECT COSTS;**

17 **(II) IN ACCORDANCE WITH THE IMPLEMENTATION AND**
18 **FINANCING PLAN DEVELOPED UNDER ITEM (1) OF THIS SUBSECTION; AND**

19 **(III) WITH CONSIDERATION GIVEN TO THE PROGRESS OF THE**
20 **PROJECT AS DOCUMENTED IN THE REPORT REQUIRED UNDER SUBSECTION (I)(2) OF**
21 **THIS SECTION;**

22 **(3) AWARD OPERATIONS GRANTS TO THE PROJECT SPONSOR FOR**
23 **PROJECT ADMINISTRATION COSTS IN ACCORDANCE WITH § 8-2A-02(F)(5) OF THIS**
24 **TITLE;**

25 **(4) PROVIDE FOR COORDINATED AND TRANSPARENT STATE**
26 **PERMITTING TO THE EXTENT ALLOWED BY STATE AND FEDERAL LAW, INCLUDING**
27 **THE USE OF THE PERMIT TRACKING DASHBOARD ESTABLISHED BY THE SECRETARY**
28 **UNDER SUBSECTION (K) OF THIS SECTION;**

29 **(5) PROVIDE FUNDING TO THE PROJECT SPONSOR TO SUPPORT**
30 **WATER QUALITY MONITORING AT THE PROJECT SITE; AND**

31 **(6) MEET WITH THE PROJECT SPONSOR AND PARTICIPATING LOCAL**
32 **GOVERNMENTS AT LEAST SIX TIMES EACH CALENDAR YEAR TO REVIEW AND**
33 **FACILITATE PROGRESS ON THE PROJECT.**

1 (H) A PROJECT SPONSOR SHALL PROVIDE OPPORTUNITIES FOR
2 COMMUNITY ENGAGEMENT FOR THE DURATION OF THE PROJECT BY INCLUDING:

3 (1) AT LEAST FOUR COMMUNITY MEETINGS THAT INCLUDE
4 REPRESENTATION FROM EACH LOCAL GOVERNMENT ENDORSING THE PROJECT;
5 AND

6 (2) AN OPPORTUNITY FOR PUBLIC COMMENT ON THE PRELIMINARY
7 DESIGN OF EACH ~~RESTORATION~~ MAJOR OR LARGE-SCALE ACTION PROPOSED BY
8 THE PROJECT.

9 (I) (1) A PROJECT SPONSOR SHALL IDENTIFY APPROPRIATE METRICS TO
10 TRACK PROGRESS ON MEETING THE OUTCOMES IDENTIFIED IN THE PROJECT'S
11 IMPLEMENTATION AND FINANCING PLAN.

12 (2) (I) A PROJECT SPONSOR SHALL REPORT ON THE PROGRESS OF
13 THE PROJECT AT THE INTERVALS AND IN THE FORMAT REQUIRED BY THE STATE
14 MANAGEMENT TEAM.

15 (II) A REPORT UNDER THIS PARAGRAPH SHALL INCLUDE
16 INFORMATION ON:

17 1. COMMUNITY ENGAGEMENT EFFORTS;

18 2. RESTORATION AND CONSERVATION ACTIONS
19 INITIATED AND COMPLETED;

20 3. TREES AFFECTED AND TREES AT IMMEDIATE OR
21 FUTURE RISK OF IMPACT DUE TO RESTORATION ACTIONS;

22 4. FUNDING FROM ALL SOURCES THAT WAS SOLICITED,
23 AWARDED, OR SPENT; AND

24 5. THE PROGRESS MADE TOWARD MEETING THE
25 OUTCOMES IDENTIFIED IN THE PROJECT'S IMPLEMENTATION AND FINANCING
26 PLAN, INCLUDING THE METRICS USED FOR TRACKING PROGRESS UNDER
27 PARAGRAPH (1) OF THIS SUBSECTION.

28 (3) THE STATE MANAGEMENT TEAM MAY REQUIRE A PROJECT
29 SPONSOR TO PERFORM AND REPORT ON WATER QUALITY MONITORING FOR MORE
30 THAN 5 YEARS.

1 **(J) ON OR BEFORE NOVEMBER 1, 2025, AND EACH NOVEMBER 1**
2 **THEREAFTER, THE STATE MANAGEMENT TEAM SHALL REPORT TO THE GENERAL**
3 **ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,**
4 **ON THE STATUS OF EACH APPROVED PROJECT.**

5 **(K) (1) THE SECRETARY SHALL ESTABLISH A PERMIT TRACKING**
6 **DASHBOARD THAT PROVIDES PUBLICLY AVAILABLE INFORMATION ON THE PERMIT**
7 **SCHEDULES AND REQUIREMENTS FOR ACTIONS THAT REQUIRE A STATE PERMIT.**

8 **(2) THE PERMIT TRACKING DASHBOARD SHALL BE MADE AVAILABLE**
9 **TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.**

10 **8-2B-03.**

11 **(A) THERE IS A WHOLE WATERSHED FUND.**

12 **(B) THE PURPOSE OF THE FUND IS TO FUND PROJECTS APPROVED BY THE**
13 **STATE MANAGEMENT TEAM UNDER § 8-2B-02 OF THIS SUBTITLE.**

14 **(C) THE SECRETARY SHALL ADMINISTER THE FUND.**

15 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
16 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

17 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
18 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

19 **(E) THE FUND CONSISTS OF:**

20 **(1) REVENUE DISTRIBUTED TO THE FUND FROM:**

21 **(I) THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010**
22 **TRUST FUND ESTABLISHED UNDER § 8-2A-02 OF THIS TITLE;**

23 **(II) THE BAY RESTORATION FUND ESTABLISHED UNDER §**
24 **9-1605.2 OF THE ENVIRONMENT ARTICLE;**

25 **(III) THE CLEAN WATER COMMERCE ACCOUNT ESTABLISHED**
26 **UNDER § 9-1605.4 OF THE ENVIRONMENT ARTICLE;**

27 **(IV) THE MARYLAND AGRICULTURAL LAND PRESERVATION**
28 **FUND ESTABLISHED UNDER § 2-505 OF THE AGRICULTURE ARTICLE;**

1 (V) THE COST-SHARING PROGRAM ESTABLISHED UNDER §
2 8-702 OF THE AGRICULTURE ARTICLE; AND

3 (VI) THE WATERWAY IMPROVEMENT FUND ESTABLISHED
4 UNDER § 8-707 OF THIS TITLE;

5 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

6 (3) INTEREST EARNINGS; AND

7 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
8 THE BENEFIT OF THE FUND.

9 (F) (1) THE FUND MAY BE USED ONLY TO SUPPORT ACTIONS ASSOCIATED
10 WITH A PROJECT APPROVED BY THE STATE MANAGEMENT TEAM UNDER § 8-2B-02
11 OF THIS SUBTITLE, INCLUDING:

12 (I) TO SATISFY MATCH REQUIREMENTS OF ANY FEDERAL
13 SOURCE; OR

14 (II) MATCHING WITH COUNTY, MUNICIPAL, OR PRIVATE FUNDS
15 OR IN-KIND SUPPORT FOR A PROJECT.

16 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
17 MONEY TRANSFERRED TO THE FUND UNDER SUBSECTION (E)(1) OF THIS SECTION
18 SHALL BE SUBJECT TO THE CONDITIONS SPECIFIED IN THE ORIGINATING FUND OR
19 ACCOUNT.

20 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PORTION
21 OF FUNDS FOR AN ACTION MAY BE PROVIDED AS AN ADVANCE PAYMENT AT THE
22 BEGINNING OF EACH FISCAL YEAR.

23 (4) ANY REMAINING FUNDS NOT USED TO SUPPORT AN ACTION IN
24 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL BE AVAILABLE FOR
25 USE CONSISTENT WITH THIS SECTION IN SUBSEQUENT FISCAL YEARS.

26 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
27 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

28 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
29 THE FUND.

30 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
31 WITH THE STATE BUDGET.

1 **(I) MONEY EXPENDED FROM THE FUND FOR PROJECTS APPROVED BY THE**
2 **PARTNERSHIP IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF**
3 **FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PARTNERSHIP.**

4 **(J) A CONTRACT ENTERED INTO BY THE DEPARTMENT UNDER THIS**
5 **SECTION SHALL:**

6 **(1) BE CONSISTENT WITH THE IMPLEMENTATION AND FINANCING**
7 **PLAN DEVELOPED UNDER § 8-2B-02(G) OF THIS SUBTITLE;**

8 **(2) FOR AN ACTION INVOLVING STREAM RESTORATION, REQUIRE THE**
9 **USE OF A STREAM RESTORATION CONTRACTOR LICENSED UNDER TITLE 18 OF THE**
10 **ENVIRONMENT ARTICLE; AND**

11 **(3) REQUIRE THAT FUNDS PROVIDED FROM THE FUND BE RETURNED**
12 **IF THE ACTION IS NOT COMPLETED IN ACCORDANCE WITH THE IMPLEMENTATION**
13 **AND FINANCING PLAN.**

14 **(K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ACTION**
15 **THAT IS PARTIALLY FINANCED WITH ANOTHER SOURCE OF STATE FUNDS MAY BE**
16 **FUNDED UNDER THIS SECTION.**

17 **(2) FUNDING PROVIDED TO AN ACTION UNDER THIS SUBSECTION**
18 **SHALL BE PRORATED TO COVER ONLY THE PORTION OF THE ACTION NOT FUNDED**
19 **BY ANOTHER STATE SOURCE.**

20 8-701.

21 (a) In this subtitle the following words have the meanings indicated.

22 **(A-1) “BENEFICIAL USE OF DREDGED MATERIAL” HAS THE MEANING STATED**
23 **IN § 5-1101 OF THE ENVIRONMENT ARTICLE.**

24 8-707.

25 (a) **(1) There is a Waterway Improvement Fund for the purposes specified in**
26 **this subtitle, INCLUDING THE ACCELERATED RESTORATION OF THE CHESAPEAKE**
27 **AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.**

28 **(2) Except as provided in § 8-709 of this subtitle, any money received into**
29 **the Waterway Improvement Fund shall be used solely for the following projects:**

1 **[(1)] (I)** Marking channels and harbors and establishing aids to
2 navigation in cooperation with and as an extension of operations of the United States Coast
3 Guard;

4 **[(2)] (II)** Clearing debris, aquatic vegetation, and obstruction from waters
5 of the State;

6 **[(3)] (III)** Dredging channels and harbors and construction of jetties and
7 breakwaters in cooperation with and as an extension of operations of the United States
8 Army Corps of Engineers;

9 **[(4)] (IV)** Dredging ponds, lakes, and reservoirs owned by the State;

10 **[(5)] (V)** Constructing and maintaining marine facilities beneficial to the
11 boating public, including constructing pump-out stations for use by the general boating
12 public at public and private marinas. The Secretary may use the funds to install pump-out
13 stations for use by the general boating public and to supplement maintenance costs at the
14 discretion of the Secretary. Before approving the construction of any pump-out station at
15 a public or private marina, the Secretary shall consult with the Department of the
16 Environment to assure that the wastewater collection and treatment system of the marina
17 is adequate to handle any increased flow. The Department may adopt regulations to govern
18 the use and operation of pump-out stations for use by the general boating public
19 constructed or supported by State funds under this section;

20 **[(6)] (VI)** Improvement, reconstruction, or removal of bridges,
21 drawbridges, or similar structures over or across waters, if those structures delay, impede,
22 or obstruct the boating public. With the approval of the Board of Public Works, funds from
23 another public or any private source may be received and used to supplement and increase
24 the funds in the Waterway Improvement Fund for the purpose of this subsection. Also, the
25 Board of Public Works may enter into an agreement with a private company or person
26 which owns such a structure, for the improvement, reconstruction, or removal of the
27 structure, in order to provide a sharing of the cost of the improvement, reconstruction, or
28 removal;

29 **[(7)] (VII)** Evaluation of water-oriented recreation needs and recreational
30 capacities of Maryland waterways and development of comprehensive plans for waterway
31 improvements;

32 **[(8)] (VIII)** To provide matching grants to local governments for the
33 construction of marine facilities for marine firefighting, marine police, or medical services
34 and for the acquisition of vessels and equipment for vessels for marine firefighting, police,
35 medical, and communication equipment for promoting safety of life and property and
36 general service to the boating public utilizing the waters of the State. The ownership,
37 operation, and maintenance of any equipment acquired under this subtitle shall be the
38 responsibility of the local governing body;

1 [(9)] (IX) Structural and nonstructural shore erosion control under
2 subsection (b) of this section;

3 [(10)] (X) Acquisition of equipment and State vessels for firefighting,
4 policing, first aid and medical assistance, and communications, in order to promote safety
5 of life and property and general service to the boating public utilizing waters of the State;

6 [(11)] (XI) Boating information and education; [and]

7 [(12)] (XII) To provide interest-free loans to a governing body for the benefit
8 of a residential property owner, or group of residential property owners, with land abutting
9 a channel adjacent to a federal, State, county, or municipal main channel or harbor for
10 dredging the adjacent channel; AND

11 (XIII) ~~TO~~ CONSISTENT WITH OTHER USES IN ITEMS (I) THROUGH
12 (XII) OF THIS PARAGRAPH, TO FUND THE WHOLE WATERSHED FUND ESTABLISHED
13 UNDER § 8-2B-03 OF THIS TITLE.

14 8-708.

15 (b) (1) Except for the construction of pump-out stations for use by the general
16 boating public at public and private marinas, the governing body and the Waterway
17 Improvement Fund jointly shall finance projects to construct marine facilities beneficial to
18 the boating public.

19 (2) Except as provided in paragraph (3) of this subsection, the contribution
20 of the Waterway Improvement Fund shall be limited to not more than 50% of the cost of
21 each project.

22 (3) The Waterway Improvement Fund may finance completely [any]:

23 (I) **ANY** construction project beneficial to the boating public which
24 costs \$250,000 or less, regardless of its location; ~~AND~~

25 (II) **A PROJECT THAT INVOLVES THE BENEFICIAL USE OF**
26 **DREDGED MATERIAL; AND**

27 (III) ANY WATER QUALITY MONITORING BY THE DEPARTMENT.

28 **Article – State Finance and Procurement**

29 6-226.

30 (a) (2) (i) Notwithstanding any other provision of law, and unless
31 inconsistent with a federal law, grant agreement, or other federal requirement or with the
32 terms of a gift or settlement agreement, net interest on all State money allocated by the

1 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 2 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 3 Fund of the State.

4 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 5 to the following funds:

6 189. the Teacher Retention and Development Fund; [and]

7 190. the Protecting Against Hate Crimes Grant Fund; AND

8 **191. THE WHOLE WATERSHED FUND.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 10 as follows:

11 Article – Environment

12 TITLE 18. STREAM AND FLOODPLAIN RESTORATION PROJECTS.

13 18-101.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 15 INDICATED.

16 (2) “LIMIT OF CLEARING” MEANS THE BOUNDARIES WITHIN WHICH
 17 PLANNED CUTTING, CLEARING, OR GRUBBING OF VEGETATION ASSOCIATED WITH
 18 STREAM RESTORATION WILL OCCUR.

19 (3) “LIMIT OF DISTURBANCE” MEANS THE BOUNDARY WITHIN WHICH
 20 ADDITIONAL CONSTRUCTION, MATERIALS AND EQUIPMENT STORAGE, GRADING,
 21 LANDSCAPING, AND RELATED ACTIVITIES MAY OCCUR.

22 (B) AN APPLICANT SEEKING AN AUTHORIZATION FOR A STREAM AND
 23 FLOODPLAIN RESTORATION PROJECT IN THE STATE SHALL BE SUBJECT TO THE
 24 REQUIREMENTS OF THIS SECTION.

25 (C) (1) A PROJECT APPLICANT SHALL PROVIDE PUBLIC NOTICE AT 30%
 26 DESIGN COMPLETION, INCLUDING:

27 (I) MAILING WRITTEN NOTICE TO ANY RESIDENCE OR
 28 BUSINESS WITHIN A RADIUS OF 200 FEET OF THE PROPOSED PROJECT AREA’S
 29 BOUNDARY; AND

1 (II) POSTING NOTICE AT POINTS OF PUBLIC ACCESS TO THE
2 PROJECT.

3 (2) THE PUBLIC NOTICE REQUIRED UNDER THIS SUBSECTION SHALL
4 INCLUDE:

5 (I) INFORMATION ON THE PROJECT APPLICANT APPLYING FOR
6 PROJECT AUTHORIZATION, INCLUDING CONTACT INFORMATION FOR THE
7 APPLICANT;

8 (II) THE PURPOSE OF THE PROJECT; AND

9 (III) IF APPLICABLE, INFORMATION ABOUT THE PUBLIC MEETING
10 UNDER SUBSECTION (D) OF THIS SECTION.

11 (D) (1) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IF:

12 (I) THE PROJECT APPLICANT IS AN INDIVIDUAL;

13 (II) THE PROPOSED PROJECT IS SITED ON THE INDIVIDUAL'S
14 PROPERTY; AND

15 (III) NO RESIDENCE, OTHER THAN THE INDIVIDUAL'S
16 RESIDENCE, OR BUSINESS IS LOCATED WITHIN A RADIUS OF 200 FEET FROM THE
17 PROJECT BOUNDARY.

18 (2) A PROJECT APPLICANT SHALL:

19 (I) HOLD AN IN-PERSON PUBLIC MEETING THAT INCLUDES AN
20 OPTION FOR VIRTUAL ATTENDANCE;

21 (II) TAKE MEETING MINUTES AND RECORD THE MEETING;

22 (III) PRESENT:

23 1. THE PROJECT DESIGN REPORT AND PLANS;

24 2. A FOREST STAND DELINEATION;

25 3. THE DEPARTMENT'S STREAM RESTORATION
26 AUTHORIZATION CHECKLIST; AND

1 4. A SEPARATE SHEET WITH THE DESIGN DRAWINGS
2 CLEARLY IDENTIFYING:

3 A. THE LIMIT OF CLEARING, IF ANY;

4 B. THE LIMIT OF DISTURBANCE; AND

5 C. TO THE EXTENT PRACTICABLE, NOTATION WHERE
6 ADDITIONAL TREES ARE PLANNED TO BE REMOVED; AND

7 (IV) POST THE DOCUMENTS AND MEETING MINUTES ON THE
8 PROJECT APPLICANT'S WEBSITE.

9 (3) A PROJECT APPLICANT SHALL HOLD THE PUBLIC MEETING
10 REQUIRED UNDER THIS SUBSECTION WHEN THE PROJECT DESIGN IS 60%
11 COMPLETE.

12 (E) A PROJECT APPLICANT SHALL SUBMIT TO THE DEPARTMENT ALL
13 RELEVANT DOCUMENTS AS PART OF THE APPLICATION AND REVIEW PROCESS,
14 INCLUDING:

15 (1) THE PROJECT DESIGN REPORT AND DRAWINGS, INCLUDING A
16 SHEET CLEARLY IDENTIFYING:

17 (I) THE LIMIT OF CLEARING, IF ANY; AND

18 (II) THE LIMIT OF DISTURBANCE;

19 (2) THE FOREST STAND DELINEATION;

20 (3) RESPONSES TO THE DEPARTMENT'S STREAM RESTORATION
21 AUTHORIZATION CHECKLIST;

22 (4) THE MEETING MINUTES AND, IF FEASIBLE, THE RECORDING FROM
23 THE PUBLIC MEETING CONDUCTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS
24 SECTION; AND

25 (5) ANY OTHER DOCUMENTS OR INFORMATION REQUESTED BY THE
26 DEPARTMENT.

27 (F) (1) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY IF:

28 (I) THE PROJECT APPLICANT IS AN INDIVIDUAL;

1 (II) THE PROPOSED PROJECT IS SITED ON THE INDIVIDUAL'S
2 PROPERTY; AND

3 (III) NO RESIDENCE, OTHER THAN THE INDIVIDUAL'S
4 RESIDENCE, OR BUSINESS IS LOCATED WITHIN A RADIUS OF 200 FEET FROM THE
5 PROJECT BOUNDARY.

6 (2) WITHIN 24 HOURS AFTER SUBMITTING AN APPLICATION TO THE
7 DEPARTMENT, A PROJECT APPLICANT SHALL POST ON ITS WEBSITE:

8 (I) NOTICE THAT IT HAS SUBMITTED AN APPLICATION;

9 (II) THE DATE OF SUBMISSION OF THE APPLICATION; AND

10 (III) A COPY OF THE APPLICATION.

11 18-102.

12 (A) THE DEPARTMENT MAY AUTHORIZE A STREAM AND FLOODPLAIN
13 RESTORATION PROJECT IN ACCORDANCE WITH THIS SECTION.

14 (B) PRIOR TO THE AUTHORIZATION OF ANY STREAM AND FLOODPLAIN
15 RESTORATION PROJECT IN THE STATE, THE DEPARTMENT SHALL:

16 (1) ASSESS DOCUMENTATION SUBMITTED BY THE PROJECT
17 APPLICANT FOR DEGRADATION CRITERIA RELATED TO:

18 (I) AN EXISTING BIOLOGICAL FUNCTION-BASED PARAMETER;
19 AND

20 (II) A PHYSICAL PARAMETER, INCLUDING AN EXISTING
21 GEOMORPHOLOGIC OR HYDRAULIC FUNCTION-BASED PARAMETER;

22 (2) ASSESS WHETHER THE PROJECT APPLICANT INCORPORATED THE
23 FOLLOWING COBENEFITS, AS APPROPRIATE, INTO THE APPLICATION:

24 (I) THE CREATION OR RESTORATION OF WILDLIFE HABITAT,
25 RIPARIAN BUFFERS, AND WETLAND RESTORATION;

26 (II) THE RESTORATION OF AQUATIC RESOURCES, SUCH AS
27 FRESHWATER MUSSELS, FISH PASSAGE, OR OYSTER REEFS;

1 (III) CARBON SEQUESTRATION;

2 (IV) CLIMATE CHANGE MITIGATION, ADAPTATION, OR
3 RESILIENCE;

4 (V) IMPROVING AND PROTECTING PUBLIC HEALTH; AND

5 (VI) RECREATIONAL OPPORTUNITIES AND PUBLIC ACCESS TO
6 WATERWAYS AND NATURAL HABITATS;

7 (3) ASSESS DOCUMENTATION OF COMMUNITY NOTIFICATIONS
8 CONDUCTED BY THE PROJECT APPLICANT PRIOR TO THE SUBMISSION OF THE
9 APPLICATION;

10 (4) ASSESS WHETHER THE APPLICANT INCORPORATED, TO THE
11 EXTENT PRACTICABLE, RECOGNIZED BEST MANAGEMENT PRACTICES TO:

12 (I) MAXIMIZE ECOLOGICAL UPLIFT;

13 (II) MINIMIZE:

14 1. IMPACTS TO WILDLIFE HABITATS;

15 2. TREE LOSS AND REMOVAL;

16 3. EARTH DISTURBANCE; AND

17 4. DISTURBANCE TO NATIVE VEGETATION;

18 (III) AVOID IMPACTS TO:

19 1. LARGE NONINVASIVE NATIVE PLANT COMMUNITIES;

20 AND

21 2. SPECIMEN TREES;

22 (IV) USE EXISTING AREAS SUITABLE FOR MATERIAL STAGING
23 AREAS TO AVOID FOREST REMOVAL;

24 (V) LIMIT CONSTRUCTION ACCESS ROAD WIDTHS;

25 (VI) LIMIT THE IMPACTS OF INGRESS AND EGRESS POINTS TO
26 MINIMIZE FOREST IMPACTS; AND

1 (VII) WHERE APPROPRIATE, PRIORITIZE THE REMOVAL OF
2 NONNATIVE AND INVASIVE:

3 1. TREES; AND

4 2. VEGETATION; AND

5 (5) ESTABLISH A PLAN TO PROVIDE FOR AT LEAST 5 YEARS OF
6 MONITORING IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

7 (C) THE DEPARTMENT'S ASSESSMENT REVIEW REQUIRED UNDER
8 SUBSECTION (B)(3) OF THIS SECTION SHALL INCLUDE:

9 (1) WHETHER THE PROJECT APPLICANT PROVIDED NOTICE AS
10 REQUIRED IN § 18-101 OF THIS TITLE;

11 (2) WHETHER THE PROJECT APPLICANT CONDUCTED A PUBLIC
12 MEETING AS REQUIRED IN § 18-101(D) OF THIS TITLE;

13 (3) WHETHER THE PROJECT APPLICANT PLACED APPROPRIATE
14 PROJECT SIGNAGE;

15 (4) WHETHER THE PROJECT APPLICANT CONSIDERED THE PROJECT'S
16 COMPATIBILITY WITH LOCAL LAND USE, ESPECIALLY IN URBAN, SUBURBAN, AND
17 OTHER HIGH-VISIBILITY AREAS;

18 (5) WHETHER AND HOW THE PROJECT APPLICANT CONSIDERED AND
19 RESPONDED TO RELEVANT PUBLIC INPUT, INCLUDING ANY RESULTING
20 MODIFICATIONS TO THE PROJECT; AND

21 (6) HOW THE PROJECT APPLICANT CONSIDERED PUBLIC INPUT IN
22 THE FINAL APPLICATION DESIGN.

23 (D) (1) ON COMPLETION OF A STREAM AND FLOODPLAIN RESTORATION
24 PROJECT, THE DEPARTMENT SHALL PROVIDE FOR AT LEAST 5 YEARS OF
25 MONITORING PER THE DESIGN AND PERMIT ASSOCIATED WITH THE DESIGN FOR
26 EACH AUTHORIZED PROJECT.

27 (2) THE MONITORING REQUIRED UNDER THIS SUBSECTION SHALL
28 INCLUDE AN ASSESSMENT OF STREAM STABILITY, STREAM AND FLOODPLAIN
29 FUNCTION, AND VEGETATION VIABILITY WITHIN THE AFFECTED PROJECT AREA.

1 18-103.

2 ON OR BEFORE DECEMBER 1, 2024, AND EACH DECEMBER 1 THEREAFTER,
 3 THE DEPARTMENT SHALL REPORT TO THE SENATE COMMITTEE ON EDUCATION,
 4 ENERGY, AND THE ENVIRONMENT AND THE HOUSE ENVIRONMENT AND
 5 TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE
 6 GOVERNMENT ARTICLE, ON ANY CHANGES MADE TO THE STREAM RESTORATION
 7 AUTHORIZATION CHECKLIST SINCE DECEMBER 1, 2023.

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
 9 effect July 1, 2025.

10 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
 11 ~~as follows:~~

12 ~~Article—State Government~~

13 ~~§ 402.~~

14 (a) ~~The General Assembly finds that:~~

15 (1) ~~a framework that allows for periodic, legislative review of the~~
 16 ~~regulatory, licensing, and other governmental activities of the Executive Branch of the~~
 17 ~~State government is essential for the maintenance of a government in which the citizens~~
 18 ~~have confidence and of a healthy State economy; and~~

19 (2) ~~this legislative review is consistent with other activities and goals of the~~
 20 ~~General Assembly.~~

21 (b) ~~The purposes of this subtitle are to:~~

22 (1) ~~establish a system of legislative review that will:~~

23 (i) ~~determine whether a governmental activity is necessary for the~~
 24 ~~public interest; and~~

25 (ii) ~~make units that are responsible for necessary governmental~~
 26 ~~activities accountable and responsive to the public interest; and~~

27 (2) ~~ensure that the legislative review takes place by establishing, by~~
 28 ~~statute, a process for the review and other legislative action.~~

29 ~~§ 403.~~

30 ~~This subtitle applies only to the following governmental activities and units:~~

~~(62) STREAM RESTORATION CONTRACTORS LICENSING BOARD (§ 18-201 OF THE ENVIRONMENT ARTICLE);~~

~~[(62)] (63) Veterinary Medical Examiners, State Board of (§ 2-302 of the Agriculture Article);~~

~~[(63)] (64) Waterworks and Waste Systems Operators, State Board of (§ 12-201 of the Environment Article); and~~

~~[(64)] (65) Well Drillers, State Board of (§ 13-201 of the Environment Article).~~

~~SECTION 2. 3. AND BE IT FURTHER ENACTED, That:~~

~~(a) In this section, “stream restoration contractor services” has the meaning stated in § 18-101 of the Environment Article, as enacted by Section 1 of this Act.~~

~~(b) (1) On or before December 31, 2024, all persons performing stream restoration contractor services in the State or soliciting to perform stream restoration contractor services in the State shall:~~

~~(i) register with the Department of the Environment; and~~

~~(ii) pay to the Department of the Environment a registration fee in an amount determined by the Department.~~

~~(2) The registration required under paragraph (1) of this subsection shall expire on December 31, 2026, unless extended by an action by the Stream Restoration Contractors Licensing Board established under Section 1 of this Act.~~

~~(c) After December 31, 2024, a person that fails to register with the Department of the Environment to perform stream restoration contractor services in accordance with subsection (b) of this section:~~

~~(1) may not perform stream restoration contractor services in the State; and~~

~~(2) shall be subject to the penalties established in § 18-403 of the Environment Article, as enacted by Section 1 of this Act.~~

~~(d) For the initial three licensed stream restoration contractor members required to be appointed to the Stream Restoration Contractors Licensing Board in accordance with § 18-202 of the Environment Article, as enacted by Section 1 of this Act, the Department of the Environment shall select stream restoration contractors from the list of the registrants compiled under subsection (b) of this section for recommendation to the Governor for appointment to the Board.~~

1 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, *except as provided in*
2 *Section 3 of this Act*, this Act shall take effect July 1, 2024. ~~Section 2 of this Act shall remain~~
3 ~~effective for a period of 5 years and, at the end of June 30, 2029, Section 2 of this Act, with~~
4 ~~no further action required by the General Assembly, shall be abrogated and of no further~~
5 ~~force and effect.~~

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.

SENATE BILL 1144

M3

4lr3477
CF HB 1266

By: **Senators Guzzone and Elfreth**

Introduced and read first time: February 10, 2024

Assigned to: Rules

Re-referred to: Education, Energy, and the Environment and Budget and Taxation, March 9, 2024

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2024

CHAPTER _____

1 AN ACT concerning

2 **Clean Water Commerce Account – Contracts for the Purchase of Environmental**
3 **Outcomes**

4 FOR the purpose of requiring, in entering into a certain contract under the Clean Water
5 Commerce Account for the purchase of a certain environmental outcome, the
6 Department of the Environment to allow certain nonuniform payment schedules ~~and~~
7 ~~include certain financial incentives~~ for certain purposes; authorizing the Department
8 to require a certain payment or certain financial protections for contracts of a certain
9 size to ensure certain outcomes; and generally relating to the Clean Water Commerce
10 Account.

11 BY repealing and reenacting, without amendments,
12 Article – Environment
13 Section 9–1605.4(a)(1), (2), and (6), (b), (c), (f)(1), (m), and (n)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Environment
18 Section 9–1605.4(o)
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2023 Supplement)

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

3 **Article – Environment**

4 9–1605.4.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Account” means the Clean Water Commerce Account.

7 (6) “Environmental outcome” means nitrogen load reductions that can be
8 directly measured or modeled using the Chesapeake Bay Program Models.

9 (b) There is a Clean Water Commerce Account.

10 (c) The purpose of the Account is to purchase environmental outcomes in support
11 of the State’s efforts to achieve the Chesapeake Bay TMDL.

12 (f) (1) Subject to the provisions of this subsection, the Account may be used
13 only for the purchase of cost–effective environmental outcomes that:

14 (i) Support the State’s efforts to achieve the Chesapeake Bay
15 TMDL; and

16 (ii) Have an expected life of at least 10 years.

17 (m) An environmental outcome purchased under this section shall:

18 (1) Result from a new project or practice designed and established
19 following the selection of a proposal and the execution of a contract in accordance with this
20 section;

21 (2) Be in addition to any load reduction required by any federal, State, or
22 local law, regulation, policy, or permit, including any applicable total maximum daily load;
23 and

24 (3) Be consistent with the Chesapeake Bay Program Models so as to ensure
25 the load reductions will count toward the achievement of the Chesapeake Bay TMDL.

26 (n) A contract entered into by the Department under this section may be funded
27 for the expected life of the project or practice yielding the environmental outcome, not to
28 exceed 20 years.

29 (o) **(1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** A contract
30 entered into by the Department under this section shall:

1 [(1)] (I) Require the owner of the project or practice to periodically submit
2 status updates in accordance with the quantification plan for the environmental outcomes
3 of the project or practice;

4 [(2)] (II) Require that payment for environmental outcomes be
5 conditioned on the achievement and verification of the environmental outcomes in
6 accordance with the quantification plan;

7 [(3)] (III) Include a schedule of payments that will be made as
8 environmental outcomes are achieved and verified; and

9 [(4)] (IV) Require reporting on the amount of nitrogen and, to the extent
10 that it can be feasibly determined without significant expense, phosphorus and sediment
11 that are removed annually by the project or practice.

12 (2) (I) IN ENTERING INTO A CONTRACT FOR A PROJECT THAT
13 INCLUDES CONSTRUCTION, RECONSTRUCTION, OR REHABILITATION, ON REQUEST,
14 UNDER THIS SECTION, THE DEPARTMENT SHALL:

15 ~~(I) FOR THE PURPOSE OF REDUCING FINANCING COSTS FOR~~
16 ~~THE OWNER OF A PROJECT OR PRACTICE AND THE STATE, ALLOW NONUNIFORM~~
17 ~~PAYMENT SCHEDULES THAT TAKE INTO ACCOUNT THE UPFRONT CAPITAL~~
18 ~~INVESTMENT NEEDED IN ORDER TO GENERATE THE INITIAL ENVIRONMENTAL~~
19 ~~OUTCOMES OF A PROJECT OR PRACTICE; AND THAT ALLOW FOR A COST-PER-POUND~~
20 ~~OF NITROGEN REDUCED THAT VARIES WITH THE ACHIEVEMENT OF PERFORMANCE~~
21 ~~MILESTONES, AS AGREED UPON BY BOTH PARTIES TO THE CONTRACT.~~

22 (II) THE FIRST PERFORMANCE MILESTONE MAY NOT OCCUR
23 EARLIER THAN THE TIME THAT THE CONSTRUCTION, RECONSTRUCTION, OR
24 REHABILITATION IS COMPLETE.

25 ~~(II) INCLUDE FINANCIAL INCENTIVES TO ENSURE THE OWNER'S~~
26 ~~COMMITMENT TO THE OPERATION AND MAINTENANCE OF THE PROJECT OR~~
27 ~~PRACTICE FOR ITS PROPOSED EXPECTED LIFE.~~

28 (3) IN ORDER TO ENSURE THE ACHIEVEMENT OF ENVIRONMENTAL
29 OUTCOMES AGREED TO IN A CONTRACT, THE DEPARTMENT MAY REQUIRE:

30 (I) A MINIMUM FINAL PAYMENT; AND

31 (II) FOR A CONTRACT AWARD GREATER THAN \$500,000,
32 ADDITIONAL FINANCIAL PROTECTIONS, INCLUDING A LETTER OF CREDIT,
33 INSURANCE INSTRUMENT, OR PERFORMANCE BOND.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.

SENATE BILL 1174

M3

4lr3472
CF HB 1509

By: **Senator McCray (By Request – Baltimore City Administration)**

Introduced and read first time: February 15, 2024

Assigned to: Rules

Re-referred to: Education, Energy, and the Environment, March 13, 2024

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2024

CHAPTER _____

1 AN ACT concerning

2 **Baltimore Regional Water Authority Governance Workgroup – Established**

3 FOR the purpose of establishing the Baltimore Regional Water Authority Governance
4 Workgroup to study the regional water authority governance approach in the
5 Baltimore region; and generally relating to the Baltimore Regional Water Authority
6 Governance Workgroup.

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That:

9 (a) There is a Baltimore Regional Water Authority Governance Workgroup.

10 (b) (1) The Workgroup consists of the following members:

11 (i) one member of the Senate of Maryland, appointed by the
12 President of the Senate;

13 (ii) one member of the House of Delegates, appointed by the Speaker
14 of the House;

15 (iii) two members appointed by the Governor;

16 (iv) five members appointed by the Mayor of Baltimore City,
17 including:

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 1. one member who represents the current workforce
2 responsible for the operation and maintenance of the water distribution system; and

3 2. one member from a labor organization that is the exclusive
4 representative for Baltimore City employees;

5 (v) three members appointed by the County Executive of Baltimore
6 County; and

7 (vi) one member from either Anne Arundel County, Carroll County,
8 Howard County, or Harford County, appointed by the Chair of the Baltimore Metropolitan
9 Council.

10 (2) Each member shall:

11 (i) have knowledge of:

12 1. water resources management and protection;

13 2. the management and operation of water or wastewater
14 systems or comparable expertise;

15 3. environmental finance;

16 4. human resources management; or

17 5. environmental justice and equity; or

18 (ii) represent ratepayers in their respective jurisdictions.

19 (c) The Mayor of Baltimore City and the County Executive of Baltimore County
20 shall jointly designate a chair of the Workgroup.

21 (d) The Mayor of Baltimore City and the County Executive of Baltimore County
22 shall jointly provide staff for the Workgroup.

23 (e) A member of the Workgroup:

24 (1) may not receive compensation as a member of the Workgroup; but

25 (2) is entitled to reimbursement for expenses under the Standard State
26 Travel Regulations, as provided in the State budget.

27 (f) (1) The Workgroup shall strive for consensus among its members.

28 (2) An affirmative vote of 10 members is needed for the Workgroup to act.

1 (g) The Workgroup shall:

2 (1) review the report of the Baltimore Regional Water Governance Task
3 Force submitted in accordance with Chapter 179 of the Acts of the General Assembly of
4 2023;

5 (2) analyze the issues relevant to implementing a regional water authority
6 governance model in the Baltimore region, including:

7 (i) 1. developing an equity analysis to analyze how the shift to
8 a regional water authority affects vulnerable residents in the area; and

9 2. recommending programs to assist potentially affected
10 residents during the implementation;

11 (ii) developing a financial transition plan to analyze how
12 implementing a regional water authority affects the finances of each jurisdiction within the
13 governance area, including pension and benefit commitments and debt service;

14 (iii) assessing the available workforce for a regional water authority,
15 including hiring new employees and transitioning existing employees from Baltimore City
16 and applicable counties to the regional water authority;

17 (iv) reviewing any legal and legislative actions required for
18 transitioning to a regional water authority governance model, including analyzing changes
19 needed to the applicable city and county codes and charters; and

20 (v) assessing the administrative and operational changes required
21 for implementing a regional water authority, including whether stormwater management
22 would fall under the purview of the regional water authority;

23 (3) analyze whether creating a City–County Rate Board is necessary to:

24 (i) ensure fairness for consumers; and

25 (ii) balance city and county rates; and

26 (4) review the regional governance models recommended in the report of
27 the Baltimore Regional Water Governance Task Force submitted in accordance with
28 Chapter 179 of the Acts of the General Assembly of 2023 and other existing and potential
29 regional water and wastewater governance models to assess how different regional
30 approaches may improve:

31 (i) management;

32 (ii) operations;

- 1 (iii) employee recruitment;
- 2 (iv) retention and training;
- 3 (v) billing and collections;
- 4 (vi) planning for capital improvements;
- 5 (vii) emergency management; and
- 6 (viii) rate stability for customers.

7 (h) (1) The Workgroup shall hire independent consultants to facilitate the
8 requirements of subsection (g) of this section, including:

- 9 (i) outside counsel to assist with the analysis of issues related to
10 regional governance; and
- 11 (ii) experts in equity analysis.

12 (2) For fiscal year 2026, the Governor shall include in the annual budget
13 bill an appropriation of \$500,000 for the purpose of hiring independent consultants under
14 paragraph (1) of this subsection.

15 (i) On or before June 30, 2027, the Workgroup shall report its findings to the
16 Mayor of Baltimore City, the County Executive of Baltimore County, the Governor, and, in
17 accordance with § 2-1257 of the State Government Article, the General Assembly.

18 (j) In developing the report required under subsection (i) of this section, the
19 Workgroup:

20 (1) shall consult with the Office of the Attorney General and the
21 Department of the Environment; and

22 (2) may not consider or make recommendations related to a privately
23 operated regional water governance model.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2024. It shall remain effective for a period of 3 years and, at the end of June 30, 2027,
26 this Act, with no further action required by the General Assembly, shall be abrogated and
27 of no further force and effect.