

# HOUSE BILL 33

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EMERGENCY BILL  
(PRE-FILED)

2lr0721

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By: **Delegate Clagett**

Requested: October 17, 2011

Introduced and read first time: January 11, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Watershed Implementation Plans – Implementation**  
3 **Deadlines**

4 FOR the purpose of prohibiting the State from submitting certain plans based on  
5 pollution reduction goals that exceed certain federal requirements; defining  
6 certain terms; making this Act an emergency measure; and generally relating to  
7 the submission of federally required water pollution reduction plans.

8 BY adding to

9 Article – Environment

10 Section 4–801 and 4–802 to be under the new subtitle “Subtitle 8.  
11 Implementation of the Chesapeake Bay Total Maximum Daily Load”

12 Annotated Code of Maryland

13 (2007 Replacement Volume and 2011 Supplement)

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

16 **Article – Environment**

17 **SUBTITLE 8. IMPLEMENTATION OF THE CHESAPEAKE BAY TOTAL MAXIMUM**  
18 **DAILY LOAD.**

19 **4–801.**

20 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
21 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) (1) “BAY TMDL” MEANS THE TOTAL MAXIMUM DAILY LOAD**  
2 **(TMDL) FOR THE CHESAPEAKE BAY ESTABLISHED UNDER THE FEDERAL**  
3 **CLEAN WATER ACT BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY ON**  
4 **DECEMBER 29, 2010.**

5           **(2) “BAY TMDL” INCLUDES ANY MODIFICATION TO THE BAY**  
6 **TMDL MADE BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY.**

7           **(C) “FINAL NUTRIENT REDUCTION TARGET” MEANS THE NUMERIC**  
8 **REDUCTIONS IN NITROGEN, PHOSPHORUS, AND SEDIMENT THAT THE STATE**  
9 **MUST ACHIEVE BY 2025 IN ACCORDANCE WITH THE BAY TMDL.**

10           **(D) “PRELIMINARY NUTRIENT REDUCTION TARGET” MEANS THE**  
11 **NUMERIC REDUCTIONS IN NITROGEN, PHOSPHORUS, AND SEDIMENT THAT THE**  
12 **STATE MUST ACHIEVE BY 2017 IN ACCORDANCE WITH THE BAY TMDL, WHICH**  
13 **SHALL BE APPROXIMATELY 60% OF THE FINAL NUTRIENT REDUCTION TARGET.**

14           **(E) (1) “WIP” MEANS A STATE WATERSHED IMPLEMENTATION PLAN**  
15 **APPROVED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO**  
16 **IMPLEMENT THE BAY TMDL WITHIN THE STATE.**

17           **(2) “WIP” INCLUDES ANY MODIFICATION MADE BY THE STATE TO**  
18 **A WIP.**

19 **4-802.**

20           **THE STATE MAY NOT SUBMIT A DRAFT DOCUMENT TO THE U.S.**  
21 **ENVIRONMENTAL PROTECTION AGENCY FOR APPROVAL AS A WIP, OR SUBMIT**  
22 **A MODIFICATION TO A WIP, THAT CONTAINS A PLAN DESIGNED TO ACHIEVE**  
23 **THE PRELIMINARY NUTRIENT REDUCTION TARGET BEFORE 2017 OR THE FINAL**  
24 **NUTRIENT REDUCTION TARGET BEFORE 2025.**

25           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency**  
26 **measure, is necessary for the immediate preservation of the public health or safety,**  
27 **has been passed by a yea and nay vote supported by three-fifths of all the members**  
28 **elected to each of the two Houses of the General Assembly, and shall take effect from**  
29 **the date it is enacted.**