

Chapter 807

(House Bill 343)

AN ACT concerning

Environment – ~~Cox Creek Citizens Oversight Committee – Membership Alterations~~ Dredged Material – Containment, Redeposit, and Oversight

FOR the purpose of altering the membership of the Cox Creek Citizens Oversight Committee; requiring the Committee to provide certain input and recommendations to the Maryland Port Administration regarding certain management of dredged material; and generally relating to the Cox Creek Citizens Oversight Committee authorizing the Department of the Environment to approve the redeposit of certain dredged material under certain circumstances; authorizing the Department to approve contained areas at a large redevelopment site for the redeposit of certain dredged material; authorizing the Board of Public Works to approve a license or an amendment to a license for the deposit of certain dredged material; altering the responsibilities of the Hart–Miller–Pleasure Island Citizens Oversight Committee; and generally relating to the containment, redeposit, and oversight of dredged material.

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–1102.1, *5–1103, and 5–1104(c)*
Annotated Code of Maryland
(2013 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 5–1104(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 16–202(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–202(i)
Annotated Code of Maryland
(2014 Replacement Volume and 2023 Supplement)

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

Article – Environment

5–1102.1.

(a) (1) The Governor shall appoint a Cox Creek Citizens Oversight Committee.

(2) The terms of the members of the Oversight Committee shall be determined by the Governor.

(b) The Oversight Committee shall be composed of the following members:

(1) ~~2 members of the North County Land Trust~~ **1 MEMBER OF THE LAND TRUST THAT HOLDS THE CONSERVATION EASEMENT OF THE COX CREEK FOREST CONSERVATION EASEMENT AREA;**

(2) 1 delegate to the Greater Pasadena Council who represents a waterfront community;

(3) 1 member of the Pasadena Sport Fishermen’s Group;

(4) 1 ~~member of the Anne Arundel County Watermen’s Association~~ **INDIVIDUAL WHO REPRESENTS RECREATIONAL BIRDING IN ANNE ARUNDEL COUNTY;**

(5) [1 member of the Maryland Saltwater Sport Fishermen’s Association;

(6)] 1 individual who represents the pleasure boating industry in Anne Arundel County;

[(7)] (6) 1 member of the Pasadena Business Association;

[(8)] (7) 1 member of the Restore Rock Creek organization;

[(9)] (8) 1 member of the [South Baltimore Business Alliance] **BALTIMORE INDUSTRIAL GROUP;**

(9) ~~1 MEMBER OF THE STONEY BEACH ASSOCIATION~~ **2 INDIVIDUALS WHO REPRESENT A WATERFRONT COMMUNITY IN THE NORTHERN PART OF ANNE ARUNDEL COUNTY;**

~~(10) 1 MEMBER OF THE RIVIERA BEACH RESIDENTS COUNCIL;~~

~~[(10)] (11)~~ 1 resident of legislative district 31; and

~~[(11)] (12)~~ 1 resident of legislative district 46.

(c) The Oversight Committee shall:

(1) Monitor the ~~redeposit of Anne Arundel County dredged material and other dredged material in the Cox Creek area~~ **MANAGEMENT OF DREDGED MATERIAL AT THE COX CREEK DREDGED MATERIAL CONTAINMENT FACILITY;**

(2) **(I) ~~Hear and dispose~~ ADVISE THE MARYLAND PORT ADMINISTRATION** of complaints lodged by individuals affected by the redeposit of Anne Arundel County dredged material and other dredged material in the Cox Creek area; ~~and~~

(II) PROVIDE INPUT AND FEEDBACK TO THE MARYLAND PORT ADMINISTRATION REGARDING THE MANAGEMENT OF DREDGED MATERIAL AT THE COX CREEK DREDGED MATERIAL CONTAINMENT FACILITY; AND

(III) MAKE RECOMMENDATIONS TO THE MARYLAND PORT ADMINISTRATION ON THE POTENTIAL IMPACT THAT ACTIVITIES AT THE CONTAINMENT FACILITY MAY HAVE ON NEARBY COMMUNITIES AND NATURAL RESOURCES; AND

(3) Appoint a member from the Committee to serve as a liaison to the Innovative [Use Advisory Council] **REUSE COMMITTEE.**

5-1103.

(a) IN THIS SECTION, "LARGE REDEVELOPMENT SITE" HAS THE MEANING STATED IN § 4-101.1 OF THIS ARTICLE.

(B) (1) [Except for dredge spoil from local dredging projects initiated by Baltimore County in the waters of Baltimore County, the] THE Department may not approve any contained area for the redeposit of [spoil] DREDGED MATERIAL within 5 miles of the Hart-Miller-Pleasure Island chain in Baltimore County EXCEPT FOR:

(I) DREDGE SPOIL FROM LOCAL DREDGING PROJECTS INITIATED BY BALTIMORE COUNTY IN THE WATERS OF BALTIMORE COUNTY; OR

(II) CONTAINED AREAS FOR THE REDEPOSIT OF DREDGED MATERIAL AT A LARGE REDEVELOPMENT SITE.

(2) A contained area described in paragraph [(1)] (1)(I) of this subsection may not exceed the approximately 1,100 acre size provided in the projects U.S. Army Corps of Engineers permit dated November 22, 1976.

(3) (i) Subject to [subparagraph] SUBPARAGRAPHS (ii) AND (III) of this paragraph, dredge spoil may not be deposited in the Hart–Miller Island Dredged Material Containment Facility after the first of the following to occur:

1. The maximum height of dredge spoil deposited in the Hart–Miller Island Dredged Material Containment Facility reaches:

A. 44 feet above the mean low water mark in the north cell;
and

B. 28 feet above the mean low water mark in the south cell; or

2. January 1, 2010.

(ii) New dredge spoil dredged from a channel may not be deposited in the south cell.

(III) NOTWITHSTANDING ANY OTHER LAW, ON OR BEFORE DECEMBER 31, 2027, THE DEPARTMENT MAY APPROVE THE REDEPOSIT OF DREDGED MATERIAL AT THE HART–MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY IF:

1. THE DREDGED MATERIAL IS FROM A LOCATION WITHIN 1 MILE OF THE SHORELINE OF A LARGE REDEVELOPMENT SITE; AND

2. THE PERSON UNDERTAKING THE DREDGING PROJECT HAS, AFTER CONSULTATION WITH THE HART–MILLER–PLEASURE ISLAND CITIZENS OVERSIGHT COMMITTEE, ENTERED INTO AN ENFORCEABLE COMMUNITY BENEFITS AGREEMENT WITH BALTIMORE COUNTY ON OR BEFORE DECEMBER 31, 2024, THAT:

A. AT THE REQUEST OF THE COUNTY EXECUTIVE OF BALTIMORE COUNTY, WAS PRESENTED TO AND APPROVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY; AND

B. REQUIRES THE PERSON TO PAY A SUM OF MONEY TO BALTIMORE COUNTY AND ESTABLISHES A PAYMENT SCHEDULE FOR THE SUM OF MONEY, FOR THE PURPOSE OF FUNDING BENEFITS TO COMMUNITIES IN THE VICINITY OF THE HART–MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY.

[(b)] (C) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, only [spoil] DREDGED MATERIAL from the excavation or dredging of Baltimore Harbor, its approach channels, and Baltimore County tributary [spoil] DREDGED MATERIAL from an approved dredging project in any of the Baltimore County tributaries of the Chesapeake Bay may be redeposited in a contained area described in subsection [(a)] (B)(1)(I) of this section.

(2) Only [dredge spoil] DREDGED MATERIAL from local dredging projects initiated by Baltimore County in the waters of Baltimore County may be redeposited in any additional contained area for the redeposit of [spoil] DREDGED MATERIAL authorized under subsection [(a)(1)] (B)(1)(I) of this section.

(3) ONLY DREDGED MATERIAL FROM A LOCATION WITHIN 1 MILE OF THE SHORELINE OF A LARGE REDEVELOPMENT SITE MAY BE REDEPOSITED IN A CONTAINED AREA FOR THE REDEPOSIT OF DREDGED MATERIAL AUTHORIZED UNDER SUBSECTION (B)(1)(II) OF THIS SECTION.

(D) THE FEE PAYABLE FOR EACH CUBIC YARD OF DREDGED MATERIAL DEPOSITED AT THE HART-MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY IN ACCORDANCE WITH SUBSECTION (B)(3)(III) OF THIS SECTION SHALL:

(1) NOT EXCEED THE STATE'S ACTUAL INCREMENTAL COSTS OF OPERATING AND MAINTAINING THE HART-MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY, TO THE EXTENT SUCH COSTS ARISE FROM THE REDEPOSIT OF DREDGED MATERIAL DESCRIBED IN SUBSECTION (B)(3)(III) OF THIS SECTION, EXPRESSED ON A PER-CUBIC-YARD BASIS; AND

(2) BE IN ADDITION TO THE PAYMENTS REQUIRED BY THE COMMUNITY BENEFITS AGREEMENT UNDER SUBSECTION (B)(3)(III)2 OF THIS SECTION.

(E) NOTHING IN THIS SECTION SHALL AUTHORIZE THE DEPARTMENT TO APPROVE THE REDEPOSIT OF DREDGED MATERIAL WITHIN 5 MILES OF THE HART-MILLER-PLEASURE ISLAND CHAIN IN BALTIMORE COUNTY USING CONFINED AQUATIC DISPOSAL.

5-1104.

(a) (1) With the advice and consent of the Senate, the Governor shall appoint a Hart-Miller-Pleasure Island Citizens Oversight Committee.

(2) The terms and qualifications of members of the Oversight Committee shall be determined by the Governor.

(c) The Oversight Committee shall:

(1) Monitor and provide oversight regarding:

(i) The future development, use, and maintenance of the Hart–Miller–Pleasure Island chain; [and]

(ii) The water quality immediately surrounding the islands;

(III) THE REDEPOSIT OF DREDGED MATERIAL AT THE HART–MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY; AND

(IV) ANY COMMUNITY BENEFITS AGREEMENTS ENTERED INTO IN ACCORDANCE WITH § 5–1103(B)(3)(III)2 OF THIS SUBTITLE; and

(2) Hear and dispose of complaints lodged by individuals affected by the future development and the water quality immediately surrounding the Hart–Miller–Pleasure Island chain.

16–202.

(a) A person may not dredge or fill on State wetlands without a license.

(i) (1) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE Board may not approve a license or an amendment to a license authorizing the dredge material deposited in the Hart–Miller Island Dredged Material Containment Facility to exceed an elevation of:

(i) 44 feet above the mean low water mark in the north cell; and

(ii) 28 feet above the mean low water mark in the south cell.

(2) [On] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON or after January 1, 2010, the Board may not approve a license or an amendment to a license authorizing the deposit of dredge material at the Hart–Miller ISLAND Dredged Material Containment Facility.

(3) (I) IN THIS PARAGRAPH, “LARGE REDEVELOPMENT SITE” HAS THE MEANING STATED IN § 4–101.1 OF THIS ARTICLE.

(II) NOTWITHSTANDING ANY OTHER LAW, ON OR BEFORE DECEMBER 31, 2027, THE BOARD MAY APPROVE A LICENSE OR AN AMENDMENT TO A LICENSE AUTHORIZING THE DEPOSIT OF DREDGED MATERIAL AT THE HART–MILLER ISLAND DREDGED MATERIAL CONTAINMENT FACILITY IF:

1. THE DREDGED MATERIAL IS FROM A LOCATION WITHIN 1 MILE OF THE SHORELINE OF A LARGE REDEVELOPMENT SITE; AND

2. THE PERSON UNDERTAKING THE DREDGING PROJECT HAS, AFTER CONSULTATION WITH THE HART-MILLER-PLEASURE ISLAND CITIZENS OVERSIGHT COMMITTEE, ENTERED INTO AN ENFORCEABLE COMMUNITY BENEFITS AGREEMENT, IN ACCORDANCE WITH § 5-1103(B)(III)2 OF THIS ARTICLE.

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

Approved by the Governor, May 16, 2024.