

4-302.1.

(A) FOR PURPOSES OF THIS SECTION, CONCENTRATIONS AND WEIGHTS OF PHOSPHORUS AND NITROGEN SHALL BE CALCULATED ON A DAILY BASIS FOR THE CALENDAR YEAR.

(B) ON OR BEFORE JANUARY 1, 2011 2012, UNLESS A MORE ADVANCED UPGRADE OR UPGRADE SCHEDULE IS REQUIRED BY A STATE OR FEDERAL LAW OR REGULATION, IF FUNDING IS AVAILABLE FROM THE BAY RESTORATION FUND, A NONFEDERAL, PUBLICLY OWNED WASTEWATER TREATMENT PLANT THAT DISCHARGES WASTEWATER INTO THE PATUXENT RIVER OR ANY OF ITS TRIBUTARIES SHALL IMPLEMENT THE TECHNOLOGY NECESSARY TO REMOVE DISCHARGES WASTEWATER INTO THE PATUXENT RIVER OR ANY OF ITS TRIBUTARIES AND HAS A DESIGN CAPACITY OF AT LEAST 500,000 GALLONS PER DAY SHALL UPGRADE TO ENHANCED NUTRIENT REMOVAL, AS DEFINED UNDER § 9-1601 OF THIS ARTICLE.

(1) PHOSPHORUS TO A LEVEL OF NOT MORE THAN 0.3 MILLIGRAM PER LITER OF WASTEWATER EFFLUENT; AND

(2) NITROGEN TO A LEVEL OF NOT MORE THAN 3.0 MILLIGRAMS PER LITER OF WASTEWATER EFFLUENT.

(C) AS TECHNOLOGY IMPROVES BEYOND ENHANCED NUTRIENT REMOVAL, THE DEPARTMENT SHALL ADOPT REGULATIONS THAT LOWER THE NITROGEN CONCENTRATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION TO A LEVEL THE DEPARTMENT DETERMINES IS TECHNOLOGICALLY FEASIBLE.

(D) THE DEPARTMENT SHALL:

(1) REVIEW THE ANNUAL PROGRESS OF UPGRADES FOR WASTEWATER TREATMENT PLANTS IN THE PATUXENT RIVER WATERSHED; AND

(2) ON OR BEFORE DECEMBER 1 OF EACH YEAR, SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, AND TO THE GOVERNOR.

(E) (1) THIS SUBSECTION APPLIES TO A WASTEWATER TREATMENT PLANT WITHIN THE PATUXENT WATERSHED THAT EXPANDS BEYOND ITS CURRENT DESIGN CAPACITY AND CREATES ADDED FLOW INTO THE PATUXENT RIVER OR ITS TRIBUTARIES.

(2) IN KEEPING WITH THE INTENT OF THE 1981 PATUXENT CHARETTE AGREEMENT, THE DEPARTMENT SHALL MODIFY A DISCHARGE PERMIT THAT HAS BEEN ISSUED TO A WASTEWATER TREATMENT PLANT TO ENSURE THAT:

(I) EFFLUENT LIMITATIONS FOR NITROGEN FROM ALL POINT SOURCES ARE NOT EXCEEDED; AND

(II) TOTAL NITROGEN LOADS INTO THE PATUXENT RIVER CONTINUE TO BE REDUCED.

(B) ON OR BEFORE JANUARY 1, 2016, UNLESS A MORE ADVANCED UPGRADE OR UPGRADE SCHEDULE IS REQUIRED BY A STATE OR FEDERAL LAW OR