

(V) THE CREATION, RESTORATION, OR ENHANCEMENT OF FISH OR SHELLFISH HABITATS.

(8) "INNOVATIVE REUSE" INCLUDES THE USE OF DREDGED MATERIAL IN THE DEVELOPMENT OR MANUFACTURING OF COMMERCIAL, INDUSTRIAL, HORTICULTURAL, AGRICULTURAL, OR OTHER PRODUCTS.

5-1102.

(a) A person may not [dump, deposit, or scatter] REDEPOSIT in an unconfined manner [spoil] DREDGED MATERIAL from Baltimore Harbor into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions of any of the Chesapeake Bay's tributaries outside of Baltimore Harbor. However, the [spoil] DREDGED MATERIAL may be redeposited in contained areas approved by the Department.

(b) A person may not [dump, deposit, or scatter] REDEPOSIT in an unconfined manner Baltimore County tributary [spoil] DREDGED MATERIAL into or onto any portion of the water or bottomland of the Chesapeake Bay or of the tidewater portions of any of the Chesapeake Bay's tributaries within 5 miles of the Hart-Miller-Pleasure Island chain in Baltimore County.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON MAY NOT REDEPOSIT IN AN UNCONFINED MANNER DREDGED MATERIAL INTO OR ONTO ANY PORTION OF THE WATER OR BOTTOMLAND OF THE CHESAPEAKE BAY OR OF THE TIDEWATER PORTION OF ANY OF THE CHESAPEAKE BAY'S TRIBUTARIES EXCEPT WHEN USED FOR A BENEFICIAL USE PROJECT UNDERTAKEN IN ACCORDANCE WITH STATE AND FEDERAL LAWS. HOWEVER, THE DREDGED MATERIAL MAY BE REDEPOSITED IN CONTAINED AREAS APPROVED BY THE DEPARTMENT.

(D) (1) BEGINNING OCTOBER 1, 2001, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AND IN ACCORDANCE WITH STATE AND FEDERAL LAW, A PERSON MAY REDEPOSIT UP TO 7.4 MILLION CUBIC YARDS OF DREDGED MATERIAL INTO OR ONTO ANY PORTION OF THE WATER OR BOTTOMLAND OF THE CHESAPEAKE BAY, OR THE TIDEWATER PORTIONS OF THE CHESAPEAKE BAY COLLECTIVELY KNOWN AS POOLES ISLAND, INCLUDING G-WEST AND SITE 92.

(2) THE REDEPOSIT OF DREDGED MATERIAL AUTHORIZED UNDER THIS SUBSECTION MAY NOT OCCUR AFTER THE SOONER OF:

(I) DECEMBER 31, 2010; OR .

(II) THE INITIATION OF THE PLACEMENT OF DREDGED MATERIAL IN ANY SITE OR SITES APPROVED PURSUANT TO THE PROCESS ESTABLISHED IN § 5-1104.2(D)(1) IF THE TOTAL CAPACITY OF THE APPROVED SITE OR SITES, WHEN COMBINED WITH THE APPROVED CAPACITY OF EXISTING PLACEMENT SITES IDENTIFIED IN THE OCTOBER 1, 2000 REPORT TO THE MARYLAND GENERAL ASSEMBLY REGARDING THE GOVERNOR'S STRATEGIC PLAN FOR DREDGED MATERIAL MANAGEMENT, PROVIDE 20 YEARS OF PLACEMENT CAPACITY FOR DREDGED MATERIAL.