

(3) The total fee imposed under paragraph (1) of this subsection may not exceed \$120,000 annually for a single site.

(4) (i) For purposes of measuring average daily wastewater flow, the local government or billing authority for a wastewater facility shall use existing methods of measurement, which may include water usage or other estimation methods.

(ii) The averaging period is:

1. The billing period established by the local government or billing authority; or

2. If a billing period is not established by the local government or billing authority, a quarter of a calendar year.

**(5) THE BAY RESTORATION FEE UNDER THIS SUBSECTION MAY NOT BE REDUCED AS LONG AS BONDS ARE OUTSTANDING.**

(c) A user of a wastewater facility is exempt from paying the restoration fee if:

(1) (i) 1. The user's wastewater facility's average annual effluent nitrogen and phosphorus concentrations, as reported in the facility's State discharge monitoring reports for the previous calendar year, demonstrate that the facility is achieving enhanced nutrient removal, as defined under § 9-1601(l) of this subtitle; or

2. The Department has determined that the wastewater facility does not discharge nitrogen or phosphorus and is not required to monitor for nitrogen or phosphorus in its discharge permit; and

(ii) The user's wastewater facility has not received a State or federal grant for that facility;

(2) (i) The user's wastewater facility discharges to groundwater and the annual average nutrient concentrations in the wastewater prior to discharge to groundwater have not exceeded 3 milligrams per liter total nitrogen and 0.3 milligrams per liter total phosphorus, as demonstrated by analysis of the groundwater from monitoring wells located on the property and as reported in discharge monitoring reports for the previous calendar year; and

(ii) The user's wastewater facility has not received a federal or State grant for that facility; or