

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 97

(Chair, Environmental Matters Committee)(By Request -
Departmental - Environment)

Environmental Matters

Education, Health, and Environmental Affairs

Environment - Sediment Control and Stormwater Management Plans - Authority

This departmental bill authorizes a designee of the Maryland Department of the Environment (MDE) to serve as the approval authority for erosion and sediment control plans and stormwater management plans related to State and federal construction activities.

Fiscal Summary

State Effect: Workloads decrease for the Water Management Administration in MDE in the first year that an agency accepts delegation due to a decrease in stormwater management and erosion and sediment control plan review and approval activities; this decrease in workloads is offset somewhat by the need to conduct training for agencies that accept delegated authority. Workloads increase for any State agency that accepts delegated authority under the bill. However, State expenditures may decrease for such agencies to the extent that plan review processes are streamlined; this decrease may be partially offset by the need for contractual assistance from engineering firms for plan review. Although not likely, State expenditures may increase for an agency that accepts delegated authority to the extent that any engineers need to be hired to conduct plan reviews.

Local Effect: None. The bill does not affect local operations or finances.

Small Business Effect: MDE has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: The appropriate approval authority must approve a sediment control plan before a person begins any land clearing, grubbing, topsoil stripping, soil movement, grading, cutting and filling, transporting, or other disturbing of land for any purpose; MDE is the approval authority for proposed earth changes undertaken by a unit of the State or federal government. In addition, a State or federal agency may not undertake any land clearing, soil movement, or construction activity involving soil movement unless the agency obtains a stormwater management plan from MDE.

Background: MDE advises that the bill authorizes the establishment of a process of self-certification with the State Highway Administration (SHA), the Department of General Services, or any other State or federal agency that seeks to serve as an approval authority. According to MDE, the number of erosion and sediment control and stormwater management plans that it receives exceeds the capacity of current personnel and resources. The bill allows MDE to reallocate staff resources for oversight and implementation of higher priority State and federal water pollution control programs, such as triennial reviews of local stormwater management programs, review of municipal Separate Storm Sewer System permits, and implementation of the federal Chesapeake Bay Total Maximum Daily Load requirements. MDE advises that it plans to maintain authority to review plans related to large and complex projects and to institute a periodic audit to ensure quality control and compliance with State and federal law.

State Fiscal Effect: In addition to the decrease in workloads for the Water Management Administration in MDE, the other anticipated beneficiary of the bill is SHA, which frequently submits erosion and sediment control and stormwater management plans for review to MDE. Assuming SHA accepts the authority under the bill to serve as a designated approval authority for plan reviews, it is likely that Transportation Trust Fund expenditures decrease over the long term due to the savings associated with fewer plan revisions and permitting delays.

While MDE and SHA both advise that additional personnel are not likely needed for SHA to begin serving as an approval authority, the potential exists that current SHA resources are not sufficient, and that one or more additional engineers may need to be hired to accomplish this work. Expenditures may also increase minimally beginning in fiscal 2014 to contract with engineering firms for plan review. Similar fiscal and operational effects can be anticipated for any other agency that seeks delegated authority from MDE under the bill. However, it is assumed that State agencies would only accept delegated authority if it would be a net benefit to them to do so.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Maryland Department of Transportation, Department of General Services, Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2013
mc/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Environment - Sediment Control and Stormwater Management Plans - Authority

BILL NUMBER: HB 97

PREPARED BY: Maryland Department of the Environment

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

There is the potential for State and federal agencies to contract with more engineering firms to replace the work formerly performed by MDE.