

**Department of Legislative Services**  
 Maryland General Assembly  
 2017 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 1040

(Senator Ready, *et al.*)

Education, Health, and Environmental Affairs

Environment and Transportation

**Environment - Water and Sewer and Solid Waste Management Plan Approval**

This bill reduces the number of days, from 90 days to 60 days, that the Maryland Department of the Environment (MDE) has to review “county plans” (generally referred to as county water and sewer plans and solid waste management plans (SWMPs)). The bill also reduces the length of time, from 90 days to 45 days, that MDE may extend the review period for good cause and after notice to the county. The bill establishes procedural actions that MDE must take to add a supplemental 45-day review period at the expiration of the 45-day extension. If MDE adds the supplemental 45-day review period, it must give written notice, as specified. Finally, MDE must provide the county with written notice of plan approval if the local plan, revision, or amendment receives approval by default.

**Fiscal Summary**

**State Effect:** General fund expenditures for MDE increase by \$114,800 in FY 2018 to hire staff to meet the bill’s shortened review times for county water and sewer plans. Future year estimates are annualized. Revenues are not affected.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	114,800	143,800	150,500	157,500	164,900
Net Effect	(\$114,800)	(\$143,800)	(\$150,500)	(\$157,500)	(\$164,900)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Although local finances are not anticipated to be materially affected, counties may benefit to the extent the bill expedites the review of county plans.

**Small Business Effect:** Minimal.

## Analysis

**Bill Summary:** If MDE adds the supplemental 45-day review period, it must give written notice to the affected county, the county delegation members of the General Assembly, and the Governor at least 10 days before the expiration of the 45-day extension. The written notice must include all additional review time requested by MDE and the reasons that MDE did not meet the statutory review deadlines.

**Current Law/Background:** The Land Management Administration (LMA) within MDE reviews county SWMPs, and the Water Management Administration (WMA) within MDE reviews county water and sewer plans. A “county plan” includes both a county water and sewer plan and a county SWMP.

A “county plan” is a comprehensive plan to adequately provide (1) water supply systems; (2) sewerage systems; (3) solid waste disposal systems; (4) solid waste acceptance facilities; and (5) systematic collection and disposal of solid waste, including litter, throughout the county (including all towns, municipal corporations, and sanitary districts). A county must submit a proposed county plan (which includes proposed revisions and amendments) to MDE for approval, at which time MDE must approve or disapprove the proposal, approve the proposal in part and disapprove it in part, or modify or take other appropriate action on the proposal.

MDE must seek input on the proposal from the Department of Natural Resources (for advice on natural resources matters), the Maryland Department of Planning (for advice on consistency of the proposal with the local master plan and other matters as appropriate), and the Maryland Department of Agriculture (for advice on the impact of water and sewerage service and solid waste facilities on productive or potentially productive agricultural land). MDE advises that four programs within MDE also assist in the review of proposed county plans. Each unit within MDE and the various State agencies have 35 days to prepare and return comments to WMA.

MDE must provide a response to a county plan proposal within 90 days of submission. For good cause and after notice to the county involved, MDE may extend the 90-day review period for an additional 30 days. By default, if MDE does not provide a response to the proposed plan within the required review period, the proposal is approved.

Before MDE takes any review action, a county may use its proposed county plan, revision, or amendment to the plan at the county’s own risk if the county has adopted the proposed county plan, revision, or amendment. After the county adopts the proposed county plan, a person must follow the plan’s provisions unless MDE modifies or disapproves the plan.

MDE advises that county water and sewer plans and their amendments, which must be consistent with county comprehensive plans, can contain complex and technical information and involve significant effort to review.

**State Expenditures:** General fund expenditures for MDE’s WMA increase by \$114,828 in fiscal 2018, which accounts for the bill’s October 1, 2017 effective date. This estimate reflects the cost of hiring two regulatory compliance engineers to review county water and sewer plans within the shortened review times required under the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- WMA reviews a high volume of affected plans/amendments annually, and the reviews are complex (some can take 80 to 85 hours to review);
- current staffing levels are not sufficient to adequately review county plans within the timeframe established by the bill; and
- LMA can review SWMPs within the timeframe established by the bill with existing resources but anticipates frequently needing to use the 45-day extension authorized by the bill.

Positions	2
Salaries and Fringe Benefits	\$104,610
Operating Expenses	<u>10,218</u>
<b>Total FY 2018 State Expenditures</b>	<b>\$114,828</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Montgomery County; Maryland Department of Agriculture; Maryland Department of the Environment; Maryland Department of Planning; Department of Legislative Services

**Fiscal Note History:**  
kb/lgc

First Reader - March 3, 2017  
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