



**The Maryland Department of the Environment
Secretary Serena McIlwain**

House Bill 1161

Dorchester County - Sanitary Commission - Transfer of Powers to County Council

Position: Support with Amendments

Committee: Environment and Transportation

Date: March 8, 2024

From: Leslie Knapp, Jr.

The Maryland Department of the Environment (MDE) **SUPPORTS** HB 1161 **WITH AMENDMENTS**.

Bill Summary

House Bill 1161 would authorize the Dorchester County Council to dissolve the County's Sanitary Commission and establish a Department of Public Facilities and Services, which would assume the responsibilities of the current Sanitary Commission.

Position Rationale

MDE has been working with the Dorchester County Government and the Dorchester County Sanitary Commission to address wastewater challenges facing County residents, in particular, the maintenance and eventual decommissioning of the numerous bermed infiltration ponds (BIPs) that provide onsite sewage disposal in areas where traditional septic systems cannot operate. As currently structured, the Sanitary Commission is not suited to addressing this emerging challenge. MDE supports the Dorchester County Government assuming direct control of the Sanitary Commission's responsibilities.

However, MDE is concerned that the bill as drafted may raise certain legal concerns and not be necessary. There has been a discussion over whether Dorchester County, which has a charter form of government, needs legislation to dissolve the Sanitary Commission and create a new department which would assume the Commission's responsibilities. Based on feedback from the Office of the Attorney General and MDE's own legal analysis, MDE believes that the County Council has the inherent authority to take the desired actions. However, there are several sections of the State Code that do specifically mention the Dorchester County Sanitary Commission and these sections should be repealed.

MDE is committed to working with the bill sponsor and the County Government to make sure the bill accomplishes the desired outcome and is legally sufficient. Accordingly, MDE urges a **FAVORABLE WITH AMENDMENTS** report for HB 1161.