

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 620 (Delegate Elliott)

Environmental Matters

Septic Systems - Departmental Review of County Regulations

This bill relates to county requirements with respect to proposed and existing septic system regulations and the review of those regulations by the Maryland Department of the Environment (MDE).

Fiscal Summary

State Effect: General fund expenditure increase of \$27,900 in FY 2001 to hire a contractual employee to review county information and submit notices to counties.

Local Effect: Local jurisdictions could comply with the bill's requirements using existing resources. Should the submission of information to MDE result in significant changes in a county's septic system program or limit the fees a county can assess under its program, however, a potentially significant increase in expenditures and decrease in revenues could occur. Any such costs would not be a direct result of the bill and cannot be predicted at this time.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires a county, upon denial of an application for a septic system permit, to notify the applicant in writing. The bill provides that it is the policy of the State that all State laws and regulations regarding septic systems be interpreted and administered uniformly by all counties in the State. The bill requires a county to submit all proposed regulations regarding septic systems to the MDE for review at least 45 days before proposal. If the proposed regulations differ from State law or regulation, the county must justify the

deviation and provide information on compliance costs. The bill requires MDE to review the proposed regulations to determine that they: (1) are not more stringent than State statute or regulations; (2) are not different in design or effect from existing regulations on the same subject from other counties' regulations; (3) would better serve the public interest than State law or regulation; and (4) justify any cost increase. If MDE determines that the proposed regulations do not meet those requirements, MDE must submit written comments to the county within 30 days to resolve the discrepancies.

The bill also requires a county to submit its existing septic system regulations, with specified information, to MDE on or before December 1, 2000. MDE must review the existing regulations per the same criteria outlined by the bill for the review of proposed regulations. If MDE determines that a county's existing regulations do not meet those criteria, MDE must submit written comments within 60 days of the receipt of the regulations to resolve any discrepancies.

Current Law: Local health departments implement State regulations regarding septic systems through delegation agreements with MDE. Counties must submit to MDE plans for adequately providing sewerage systems and any revisions or amendments to those plans. County plans governing sewerage systems must be approved by MDE. Counties are required to adopt and submit to MDE revisions or amendments to its county plan if the governing body considers it necessary or if MDE requires it. Counties are not required to submit proposed or existing regulations to MDE.

State Expenditures: MDE advises that general fund expenditures could increase by an estimated \$34,500 in fiscal 2001 for the salary, fringe benefits, one-time expenditures, and ongoing expenditures related to hiring a permanent full-time sanitarian to review county information and submit notices to counties. Legislative Services advises, however, that because most of the requirements of the bill would result in a need for additional staff in fiscal 2001 only, hiring a full-time employee is unnecessary. Accordingly, Legislative Services advises that general fund expenditures could increase by an estimated \$27,900 in fiscal 2001 only, which accounts for the bill's October 1, 2000, effective date and reflects the cost of hiring one contractual sanitarian to review the information submitted by counties and to submit the required notices to counties. It includes the salary, fringe benefits, and ongoing operating expenses related to the contractual employee. It is assumed that negotiations with local governments in future years could be handled with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment; Charles, Montgomery, Prince George's, and Somerset counties; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2000

cm/jr

Analysis by: Lesley Frymier

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510