

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Revised

Senate Bill 246

(The President, *et al.*) (Administration)

Education, Health, and Environmental Affairs

Environmental Matters

Drinking Water Security Act

This Administration bill authorizes the Secretary of the Environment to adopt and enforce State primary drinking water regulations for a contaminant if the Secretary determines that the contaminant poses a significant risk to public health and if the federal government has not adopted complete interim or revised national primary drinking water regulations for the contaminant. As part of the determination, the Secretary must prepare a report including specified information such as monitoring data for the contaminant, peer reviewed assessments, methodologies and data, and a cost/benefit analysis of implementing the proposed standard for the contaminant.

Fiscal Summary

State Effect: The bill's changes could be handled with existing budgeted resources.

Local Effect: If the Maryland Department of the Environment (MDE) proposes regulations in the future for a contaminant for which no federal standard exists, those regulations could impose significant costs on local governments that own and operate public water systems.

Small Business Effect: Potential meaningful. Most private water systems are owned and operated by small businesses. If MDE proposes regulations in the future for a contaminant for which no federal standard exists, those regulations could impose additional costs on owners and operators of private water systems.

Analysis

Current Law: The Secretary of the Environment must adopt and enforce State primary drinking water regulations and adopt and implement adequate procedures for enforcing the State primary drinking water regulations. The regulations may not be more stringent than the complete interim or revised national primary drinking water regulations in effect at the time.

MDE administers the Drinking Water Revolving Loan Fund, which was established in 1993 to provide low-interest loans for drinking water projects. Among other things, the fund, which receives federal funding from the U.S. Environmental Protection Agency, provides loans to local governments and owners of water supply systems.

Background: MDE is responsible for the primary enforcement of the federal Safe Drinking Water Act. Among other things, MDE ensures that public water systems (water systems that serve 25 or more people per day) meet strict drinking water standards. Currently, MDE regulates 478 public water systems that are owned and operated by local governments. According to MDE, the quality of water provided by Maryland's public drinking water systems is very good.

MDE advises that it has no specific plans at this time to propose regulations that would impose drinking water standards for contaminants for which no federal standards exist. However, recent concern relating to methyl tertiary butyl ether (a gasoline additive for which no federal standard yet exists) has highlighted MDE's inability under current law to adopt standards for contaminants for which no federal standards exist when necessary in order to protect the public health.

Additional Information

Prior Introductions: None.

Cross File: HB 302 (The Speaker, *et al.*) (Administration) – Environmental Matters.

Information Source(s): Maryland Department of the Environment, Garrett County, Prince George's County, Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2002
ncs/jr Revised - Senate Third Reader - March 25, 2002
Revised - Enrolled Bill - April 22, 2002

Analysis by: Lesley Frymier

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