Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 233   (Delegate Weir, *et al.*)

Environmental Matters

Water and Sewer - Lots - Sewer Connections

This bill requires each county water and sewer plan to allow for one connection between a lot created by a "bona fide intrafamily transfer" and a State sewer line bypassing the lot. Each county plan must also allow for one connection between a State sewer line bypassing a parcel if the parcel existed before the creation of resource conservation areas (RCAs) under the Chesapeake Bay Critical Area and Atlantic Coastal Bays Protection Programs and was exempt from the 1-in-20-acre density of development permitted for parcels located within RCAs.

Fiscal Summary

State Effect: This bill would not directly affect State operations or finances.

Local Effect: While the bill is not expected to materially affect local finances in some jurisdictions, the bill could impact local finances in others. For example, Kent County advises that, in order to reserve allocations for sewer connections as required by the bill, county finances could be significantly affected. If the additional allocations reserved result in demand exceeding capacity at local sewage treatment plants, the county would either be forced to put a moratorium on additional sewer connections or perform upgrades to facilities. Legislative Services advises that, because the extent to which this bill alone will cause demand to exceed capacity cannot be predicted, a reliable estimate of the bill's impact on local finances cannot be made at this time. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Current Law: Each county must have a county plan or a plan with adjoining counties that is approved by the Maryland Department of the Environment; covers at least the 10-year period next following adoption by the county governing body; and deals with water supply systems, sewerage systems, solid waste disposal systems, solid waste acceptance facilities, and the systematic collection and disposal of solid waste. Current law provides several requirements relating to the content of county plans.

Chapter 794 of 1984 established the Chesapeake Bay Critical Area Protection Program in the Department of Natural Resources to foster more sensitive development activity in a consistent and uniform manner along shoreline areas of the Chesapeake Bay and its tributaries. Chapter 433 of 2002 expanded the Chesapeake Bay Critical Area Law to include the Atlantic coastal bays and their tributaries. Parts of the critical areas include RCAs, which are characterized by natural environments or by activities such as agriculture, aquaculture, commercial forestry, and fisheries. In an RCA, new development is limited to a 1-in-20-acre density requirement. As part of its local critical area program, a local jurisdiction may submit provisions by which an owner of a parcel of land in an RCA may be permitted to make a "bona fide intrafamily transfer" or a transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

Additional Information

Prior Introductions: Virtually identical legislation was introduced during the 2002 and 2003 sessions. HB 718 of 2002 passed the House but received an unfavorable report by the Senate Education, Health, and Environmental Affairs Committee. HB 1033 of 2003 was referred to the House Environmental Matters Committee but was subsequently withdrawn.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Natural Resources, Kent County, Montgomery County, Worcester County, Washington Suburban Sanitary Commission, Department of Legislative Services

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mh/ljm

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