

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1484 (Carroll County Delegation)
Environmental Matters

Carroll County - Septic Systems - Departmental Review of County Regulations

This bill relates to Carroll County's authority to regulate septic systems. Specifically, the bill provides for the review of all existing and proposed county regulations and ordinances regarding septic systems by the Maryland Department of the Environment (MDE). If MDE finds that such regulations differ from State law or regulation, it must submit written comments to the county in order to resolve the discrepancies. The bill also establishes notification requirements for the county when it denies a permit application for a septic system.

Fiscal Summary

State Effect: The bill is not anticipated to significantly affect State operations or finances due to its limited applicability.

Local Effect: Carroll County could submit its existing and proposed regulations to MDE using existing resources. With respect to the notification requirements, Carroll County advises that it already provides such notice to applicants. Should the submission of information to MDE result in changes to the county's septic system program, it could have impacts on the county. However, any such impacts cannot be predicted at this time.

Small Business Effect: None.

Analysis

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.

Any rule or regulation adopted under the county water and sewerage plans subtitle does not limit or supersede any other county, municipal, or State law, rule, or regulation that provides greater protection to the public health, safety, or welfare.

State Expenditures: MDE advises that expenditures would increase minimally to hire a part-time sanitarian to review existing and proposed regulations submitted by Carroll County, submit written comments, and resolve any discrepancies. Because the bill only applies to one county, Legislative Services advises that without any actual experience under the bill, it is unclear that any additional staff would be needed. There are currently six employees in MDE's program that could presumably absorb any additional workload until the need for any additional employees is justified.

Additional Information

Prior Introductions: HB 620 of 2000 addressed the same issue but would have applied statewide. The bill passed the House with amendments but received an unfavorable report by the Economic and Environmental Affairs Committee.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Carroll County, Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2005
mam/hlb

Analysis by: Lesley G. Cook

Direct Inquiries to:
(410) 946-5510
(301) 970-5510