

**Department of Legislative Services**  
 Maryland General Assembly  
 2007 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 352

(Senator Conway, *et al.*)

Education, Health, and Environmental Affairs

Environmental Matters

**Environment - Golf Course Redevelopment - Report on Need for Environmental Assessment**

This bill requires the Maryland Department of the Environment (MDE) to report to the General Assembly, by December 31, 2007, on whether there is a need to establish a program for the review and approval of development plans before the redevelopment of golf courses. The bill specifies the required contents of the report and specific requirements for MDE.

The bill takes effect July 1, 2007.

**Fiscal Summary**

**State Effect:** General fund expenditure increase of \$42,300 in FY 2008 only for MDE to complete the required report.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	42,300	0	0	0	0
Net Effect	(\$42,300)	\$0	\$0	\$0	\$0

*Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Current Law:** There are no State laws specifically regulating the redevelopment of golf courses. However, the State does regulate air, water, and land quality. With respect to sediment control, a person may not begin or perform any construction unless the person obtains an approved sediment control plan, maintains the provisions of the approved plan, and implements any sediment control measures reasonably necessary to control sediment runoff. “Construction” means land clearing, grubbing, topsoil stripping, soil movement, grading, cutting and filling, transporting, or otherwise disturbing land for any purpose. The term includes land disturbing activities for the purpose of constructing buildings, mining minerals, developing golf courses, and constructing roads and installing utilities.

With respect to hazardous substances, MDE is charged with determining if there is an imminent and substantial endangerment to the public health or welfare or to the environment. The Maryland Department of Agriculture also regulates the registration, labeling, and application of pesticides.

Chapters 1 and 2 of 1997 established the Voluntary Cleanup Program (VCP) within MDE to encourage the investigation of eligible brownfields properties, protect public health and the environment, accelerate the cleanup of eligible properties, and provide predictability and finality to the cleanup process. Brownfields are abandoned or underutilized industrial or commercial sites, located primarily in urban areas, which are either contaminated or perceived to be contaminated by hazardous substances. In addition to VCP, MDE also administers the State’s superfund program, which assesses suspected hazardous waste sites to control and remove environmental and public health threats through site cleanups and remedial actions.

**Background:** Because older golf courses have routinely been maintained with herbicides and pesticides, concern has been raised regarding the redevelopment of former golf courses into residential areas.

According to the Maryland State Golf Association (MSGGA), there are approximately 170 golf courses in the State, of which about 60% are privately-owned. The State of Maryland owns the golf course at Rocky Gap State Park. A handful of courses are owned by quasi-governmental agencies. Local governments own the vast majority of remaining courses. MSGGA advises that, over the past few decades, approximately one golf course has been lost to development every three years. In the past 20 years, about 10 courses have scaled down in size, with a portion of the property being sold for development. According to the National Golf Foundation, nationwide 146 golf facilities closed in 2006.

**State Expenditures:** General fund expenditures could increase by an estimated \$42,349 in fiscal 2008, which reflects the bill's July 1, 2007 effective date. This estimate primarily reflects the costs of contractual services to perform some of the work needed to complete the required report. It also reflects additional operating costs within MDE for supplies and communications to solicit input from stakeholders. The estimate assumes that existing staff within MDE would conduct some of the work required to complete the required report. In addition, MDE advises that it has already budgeted \$25,000 to conduct the literature review required by the bill. Accordingly, costs of existing staff time and costs to conduct a literature review are not included in the estimate.

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### **Additional Information**

**Prior Introductions:** Although not identical, SB 19/HB 1203 of 2005 would have prohibited a person from beginning or performing any construction on a property that had formerly been used as a golf course unless the person engaged an independent environmental consultant to take soil samples and test for specified contaminants. HB 1203 received an unfavorable report from the House Environmental Matters Committee. SB 19 was referred to the Senate Education, Health, and Environmental Affairs Committee but was withdrawn.

**Cross File:** HB 417 (Delegate N. King, *et al.*) – Environmental Matters.

**Information Source(s):** Maryland Department of the Environment, Montgomery County, Prince George's County, Garrett County, Maryland State Golf Association, National Golf Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2007  
ncs/ljm Revised - Senate Third Reader - March 23, 2007

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