

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 1215

(Chair, Environmental Matters Committee)
(By Request – Departmental - Environment)

Environmental Matters

Education, Health, and Environmental
Affairs

Community Right-to-Know Fund - Reports

This departmental bill modifies the deadlines for submission of annual facility fees to the Community Right-to-Know Fund within the Maryland Department of the Environment (MDE). For facilities required to report under Section 312 of the federal Emergency Planning and Community Right-to-Know Act (EPCRA), the deadline would be June 1 of each year, instead of March 1. For facilities required to report under Section 313 of EPCRA, the deadline would be October 1 of each year instead of July 1.

The bill takes effect July 1, 2007.

Fiscal Summary

State Effect: State finances would not be materially affected; the bill would simply result in a delay in the submission of facility fees by up to three months.

Local Effect: None.

Small Business Effect: MDE has determined that this bill has minimal or no impact on small businesses (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Chapter 434 of 2002 established the Community Right-to-Know Fund within MDE to be used for emergency planning, enforcement, data collection, and other

activities related to chemicals and hazardous substances. The Act generally applies to facilities that manufacture, store, and use hazardous or toxic chemicals and that are subject to EPCRA. Each owner or operator of a facility that is required by EPCRA to furnish any form of information (*e.g.*, reports, notices) to the State or any of its officers or instrumentalities, including the State Emergency Response Commission and the Governor, is required to provide that information to MDE.

The Act required MDE to establish an annual fee for facilities required to report to the State or its instrumentalities under EPCRA. Statute establishes a maximum fee of \$1,000 in any calendar year for a responsible person that owns or operates one or more facilities in the State. The Act established two different annual payment deadlines depending on whether the facility is required to report under Section 312 of EPCRA (Emergency and Hazardous Chemical Inventory Reporting) or Section 313 of EPCRA (Toxic Chemical Release Reporting).

Background: Currently, State law requires fees to be submitted on the same date as the federally mandated reports. Because MDE's billing process requires time for calculating the fees and processing the required invoices, businesses are automatically in violation of Maryland law if they meet the federal reporting deadlines. While MDE has not taken enforcement action against businesses because of their failure to meet fee submission deadlines, State auditors have noted the lack of continuity in the law regarding the timing of report submission and fee submission. This bill would establish a sufficient time interval for a business to meet federal guidelines and then achieve compliance with the submission of State-mandated fees.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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ncs/ljm

Analysis by: Lesley G. Cook

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

