

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 307 (Delegate Costa)  
Environmental Matters

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**Task Force on a Statewide Stormwater Management and Sediment Control Initiative**

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This bill establishes the Task Force on a Statewide Stormwater Management and Sediment Control Initiative to evaluate and make recommendations to improve the State’s erosion and sediment control and stormwater management regulations and programs. The Maryland Department of the Environment must provide staff for the task force. Task force members may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations. A report of the task force’s findings and recommendations is due to the Governor and the General Assembly by July 1, 2009.

The bill takes effect July 1, 2008 and terminates July 31, 2009.

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**Fiscal Summary**

**State Effect:** General fund expenditure increase of \$108,800 in FY 2009 only for MDE to staff the task force. No effect on revenues.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	108,800	0	0	0	0
Net Effect	(\$108,800)	\$0	\$0	\$0	\$0

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

**Local Effect:** The bill would not materially affect local operations or finances.

**Small Business Effect:** None.

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## Analysis

**Current Law/Background:** State law requires each county and municipality to adopt ordinances necessary to implement a stormwater management program and to restrict the development of any land unless the landowner has submitted a stormwater management plan consistent with the local ordinance. A county or municipality has the authority to approve or disapprove stormwater management plans.

In general, a person may not develop any land for residential, commercial, industrial, or institutional use without submitting, and getting approval of, a stormwater management plan from the county or municipality that has jurisdiction. The developer must certify that all land development will be done according to the approved plan. A State or federal agency may not undertake any construction activity unless the agency has submitted and obtained approval of a stormwater management plan from MDE.

Every three years, MDE is required to review the stormwater management programs in the counties and municipalities and monitor their implementation. MDE is also required to provide technical assistance, training, research, and coordination services to local governments in the preparation and implementation of their stormwater management programs.

The Water Management Administration within MDE is responsible for the implementation and supervision of the State's Erosion and Sediment Control Program. This includes establishing policies, procedures, standards, and criteria relating to erosion and sediment control from any construction project that has and/or exceeds an earth disturbance of 5,000 square feet and/or 100 cubic yards. Additional program components include the review and approval of local erosion and sediment control enforcement authority ordinances, all plans for the grading of State and federal projects, and training programs. Local governments implement Maryland's Erosion and Sediment Control Program. Duties involve reviewing and approving local development project plans as well as inspecting and enforcing compliance relating to the construction of all private and local projects. Before any person begins any construction, the appropriate approval authority must first receive, review, and approve the proposed earth change and the sediment control plan.

**State Expenditures:** General fund expenditures could increase by an estimated \$108,806 in fiscal 2009, which reflects the bill's July 1, 2008 effective date. This estimate reflects the cost of hiring one contractual water resources engineer and one contractual natural resources planner to staff the task force. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Positions	2
Salaries and Fringe Benefits	\$95,574
Operating Expenses	<u>13,232</u>
<b>Total FY 2009 State Expenditures</b>	<b>\$108,806</b>

Because the task force terminates on July 31, 2009, and because the task force is required to submit a report of its findings and recommendations by July 1, 2009, it is assumed that State expenditures would not be affected beyond fiscal 2009.

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### Additional Information

**Prior Introductions:** HB 977 of 2007 (as introduced) and HB 476 of 2007 (as passed by the House), were similar. HB 977 received an unfavorable report by the House Environmental Matters Committee. HB 476 passed the House with amendments but received an unfavorable report by the Senate Education, Health, and Environmental Affairs Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 4, 2008  
mll/jr

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