

Department of Legislative Services  
 Maryland General Assembly  
 2013 Session

FISCAL AND POLICY NOTE

House Bill 824 (Delegates Szeliga and Jacobs)  
 Environmental Matters

Environment - Sewer Overflow or Treatment Plant Bypass - Electronic Notice

This bill requires the Maryland Department of the Environment (MDE) to develop and maintain a specified list of persons interested in receiving email notifications regarding sewer overflows or treatment plant bypasses. On receipt of a telephone notification of a sewer overflow or treatment plant bypass made under current law, MDE must notify each person on the list and each member of the General Assembly representing a district within one mile of the overflow or bypass. Finally, the bill requires MDE to publish all overflows and bypasses on a single page on its website.

Fiscal Summary

**State Effect:** Special fund expenditures increase by \$47,800 in FY 2014, which reflects the bill’s effective date, and by more than \$61,300 annually thereafter, for MDE to hire one administrative assistant to develop and maintain the list and conduct the required notifications. Revenues are not affected.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	47,800	61,300	64,200	67,300	70,500
Net Effect	(\$47,800)	(\$61,300)	(\$64,200)	(\$67,300)	(\$70,500)

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

**Local Effect:** The bill is not anticipated to materially affect local operations or finances.

**Small Business Effect:** None.

## Analysis

**Current Law/Background:** An owner or operator of any sanitary sewer system, combined sewer system, or wastewater treatment plant must report to MDE any sewer overflow or treatment plant bypass that results in the direct or potential discharge of sewage. The report must be made by telephone as soon as practicable but no later than 24 hours after the operator or owner became aware of the event. A written report is then required within five calendar days.

MDE provides public access through its website to the Maryland Reported Sewer Overflow Database. The database shows that there were 1,775 reports of sewage overflows in calendar 2012, including 39 overflows of at least one million gallons, down from 94 overflows of at least one million gallons in 2011. One-third of the overflows of at least one million gallons were the result of Hurricane Sandy. Nearly all significant overflows came from local wastewater treatment plants.

**State Expenditures:** Special fund expenditures increase by \$47,817 in fiscal 2014, which accounts for the bill's October 1, 2013 effective date. This estimate reflects the cost of hiring one administrative assistant within MDE's Water Management Administration to develop and maintain the email list and to conduct the required notifications. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. The fiscal 2013 ending balance for the Maryland Clean Water Fund is projected to be more than \$600,000; thus, this analysis assumes that sufficient special funds are available to implement the bill. General fund expenditures increase to the extent that the Maryland Clean Water Fund cannot support the increase in costs resulting from the bill.

Position	1
Salary and Fringe Benefits	\$43,636
Equipment	3,750
Operating Expenses	<u>431</u>
<b>Total FY 2014 State Expenditures</b>	<b>\$47,817</b>

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

MDE estimates that it needs two new staff to implement the bill – one technical position and one administrative assistant – in part because it anticipates additional complaints and inquiries as a result of the notifications provided pursuant to the bill. Without any actual experience under the bill, the Department of Legislative Services advises that the need for two additional positions is unclear. To the extent that one administrative position proves

insufficient to handle the increase in workload that results from the bill, MDE may request additional staff through the annual budget process.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 20, 2013  
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