

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 325 (Senator Brinkley)
Education, Health, and Environmental Affairs

Environment - Frederick County - Soil Erosion and Sediment Control Standards

This bill exempts Frederick County from the requirement to adopt local ordinances that implement specified State erosion and sediment control standards.

Fiscal Summary

State Effect: The bill is not anticipated to directly affect State operations or finances, assuming that State agencies continue to adhere to current regulations for construction projects in Frederick County.

Local Effect: Local government capital expenditures decrease for Frederick County and the 12 municipal corporations within the county beginning in FY 2014 due to less stringent erosion and sediment control requirements. Revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary/Current Law: State regulations currently require permanent or temporary stabilization on a site within *three* calendar days for the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes steeper than three horizontal to one vertical (3:1) following an initial soil disturbance; under the bill, in Frederick County, stabilization is not required until *seven* calendar days following soil disturbance. For all other disturbed areas on a project site, except for those areas under active grading, stabilization measures are currently required within 7 days following soil disturbance; under the bill, in Frederick County, stabilization is not required until *14* days following soil disturbance.

Currently, State regulations define a “grading unit” as the maximum contiguous area allowed to be graded at a given time, which is 20 acres or less. Under the bill, in Frederick County, there is no limit on the maximum contiguous area allowed to be graded at a given time.

Currently, an erosion and sediment control plan must contain specified items, including the location of natural resource areas and sensitive areas such as wetlands, floodplains, highly erodible soils, steep slopes, and any other areas required by certain stormwater management plans. Under the bill, in Frederick County there is no requirement to map the location of a site’s natural resources, steep slopes, highly erodible soils, or vegetative buffer strips.

Background: The Maryland Department of the Environment (MDE) adopted new soil erosion and sediment control regulations in January 2012 that comprehensively revised the previous regulations. The new regulations were originally proposed in August 2010, but following a public hearing and the receipt of several comments, MDE withdrew the regulations for revision into their current form. Among the more significant changes in the new regulations are the requirements and restrictions discussed above, which the bill exempts for Frederick County.

Local Expenditures: Frederick County advises that it is unable to estimate the capital budget savings that may result from the less stringent erosion and sediment control regulations under the bill. However, as noted below under Small Business Effect, the savings may range from minimal to moderate.

Small Business Effect: Small construction contractors may realize a meaningful savings from less stringent erosion and sediment control regulations. MDE’s estimate of the economic impact published in the *Maryland Register* along with the proposed erosion and sediment control regulations indicated that the regulations may result in a minimal to moderate increase in construction costs as a result of a lengthened construction period and/or more complicated design processes.

The Department of Legislative Services also noted in its evaluation of the economic impact statement submitted with the regulations that some small business engineering firms may realize an increase in the demand for their services under the new regulations. Thus, the bill’s exemption could negatively impact some small business engineering firms in Frederick County that otherwise would benefit from additional work under the new regulations.

Additional Information

Prior Introductions: None.

Cross File: HB 407 (Frederick County Delegation) - Environmental Matters.

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

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mc/lgc

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