

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 100

(Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Environment)

Education, Health, and Environmental Affairs

Environment and Transportation

Reservoir, Dam, or Waterway Obstruction Plans - Designation of Approval
Authority

This departmental bill authorizes a designee of the Maryland Department of the Environment (MDE) to serve as the approval authority for the construction, reconstruction, or repair of certain small, low-hazard ponds, dams, or waterway obstructions, thereby exempting these activities from the requirement to obtain a dam safety permit from MDE.

Fiscal Summary

State Effect: Although the bill likely results in efficiencies, it is not anticipated to materially affect State finances, as discussed below.

Local Effect: Although the bill likely results in efficiencies, it is not anticipated to materially affect local government finances, as discussed below.

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

Analysis

Current Law/Background: MDE's Dam Safety Program is responsible for regulating the design, construction, operation, and maintenance of dams to prevent dam failures and the consequences of failure. Generally, a person must obtain a permit from MDE prior to constructing, reconstructing, or repairing any reservoir, dam, or waterway obstruction. Projects to construct, reconstruct, or repair certain small, low-hazard ponds and dams are

exempt from receiving a permit from MDE if the plans and specifications are approved by the appropriate local soil conservation district (SCD). There is no provision in law that allows such an exemption from an entity other than a local SCD. Further, local SCDs do not have plan approval jurisdiction over State and federal applicants, and there is no SCD in Baltimore City. Thus, small, low-hazard ponds constructed, reconstructed, or repaired by State, federal, and Baltimore City applicants must obtain a permit from MDE's Dam Safety Program.

According to MDE, its Dam Safety Program is experiencing workload problems due to the heavy volume of permit applications for projects related to stormwater management for new development and impervious surface restoration, which can result in numerous permit applications for small low-hazard ponds. MDE advises that this can lead to permitting delays and higher project costs and can take resources away from performing the program's primary role of ensuring the integrity of high and significant-hazard dams.

Accordingly, MDE advises that it desires to establish a mechanism through which the department's designee could review and approve plans for the construction or alteration of certain small low-hazard ponds without the requirement to obtain a dam safety permit from MDE. Currently, MDE would like to apply this authorization to two designees – the State Highway Administration (SHA) and Baltimore City. MDE advises that by doing so, it anticipates that the bill will ease the administrative burden on MDE staff, improve overall plan processing times, reduce project costs, and result in better customer service to applicants and the general public.

State Expenditures: Workloads decrease for MDE due to a decrease in applications for dam safety permits that it must review. This allows existing staff to focus on other, more critical projects, as discussed above. Although workloads may increase for SHA (or any other State agency that may be delegated authority pursuant to the bill), any impact is not anticipated to be significant. In addition, the bill may result in more predictable permit review times that may reduce project delays.

Local Expenditures: Workloads increase for Baltimore City (or any other local government that may be delegated authority pursuant to the bill). However, any impact is not anticipated to be significant. In addition, the bill may result in more predictable permit review times that may reduce project delays.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; City of College Park; Harford, Howard, and Montgomery counties; Maryland Department of the Environment; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 12, 2018
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Environment – Small Ponds Review and Approval – Authority

BILL NUMBER: SB 100

PREPARED BY: Maryland Department of the Environment
(Dept./Agency)

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The construction industry could potentially recognize some economic benefit by having greater predictability in construction schedules and deployment of resources.