

Department of Legislative Services

Maryland General Assembly

2018 Session

FISCAL AND POLICY NOTE

First Reader

House Bill 1155 (Delegate Fisher, *et al.*)
Environment and Transportation

Environment - Soil Percolation Tests - Validity

This bill establishes that a soil percolation test performed on an unimproved property remains valid if (1) a satisfactory soil percolation test is filed with the appropriate unit of the county in which the property is located and (2) the property has not been altered since the date of the soil percolation test.

Fiscal Summary

State Effect: The bill largely affects local government operations and does not materially affect State finances or operations.

Local Effect: Potential minimal increase in local expenditures, as discussed below. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Current Law/Background: The Maryland Department of the Environment (MDE) has broad authority over the regulatory process related to the installation of new septic systems, additions to existing septic systems, the repair or replacement of existing septic systems, and changes in the strength or volume of the sewage entering septic systems. This authority is generally delegated to local governments (local approving authorities).

A “soil percolation test” is a procedure used to determine the rate of movement of water through soil at the depth of installation of a proposed site of a septic system. Soil percolation tests are required as part of the comprehensive site evaluation process to

determine whether and what type of a septic system can be installed on a given property. Site evaluations consider topography, soils, geology, surface and subsurface drainage, useable area, and groundwater conditions, along with local records and percolation tests or other permeability tests, to estimate soil hydraulic properties and determine whether there is adequate space to support a septic system on a specific site.

The local approving authority can require as many soil percolation tests as are considered necessary, but at least one percolation test per acre must be conducted. Other pertinent soil evaluations may be required if considered necessary. The length of time for which a soil percolation test is valid varies by jurisdiction and, in part, depends on site-specific factors. MDE advises that in some jurisdictions, a percolation test is valid for one or two years. Others allow an older percolation test to be used if the site characteristics have not changed.

Local Expenditures: The bill removes a county's flexibility to determine whether a soil percolation test is still valid depending on site characteristics. While this does not necessarily have a fiscal effect, the bill also likely requires local approving authorities to maintain records of soil percolation tests for longer periods of time (potentially in perpetuity). This may require some local governments to incur additional recordkeeping costs. Based on information provided by Anne Arundel, Baltimore, Charles, and Montgomery counties, however, the bill is not anticipated to materially affect local finances.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, and Montgomery counties; City of College Park; Maryland Department of the Environment; Department of Legislative Services

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