

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE

House Bill 1028 (Delegate Rudolph)
 Environmental Matters

Task Force on Improving Local Stormwater Management Practices

This bill establishes a Task Force on Improving Local Stormwater Management Practices. The Maryland Department of the Environment (MDE) must provide staff for the task force. The task force must submit a report of its findings and recommendations to the Governor and the General Assembly by June 1, 2008.

The bill takes effect July 1, 2007, and terminates June 30, 2008.

Fiscal Summary

State Effect: General fund expenditure increase of \$36,900 in FY 2008 only for MDE to staff the task force. No effect on revenues.

| (in dollars) | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|----------------|------------|---------|---------|---------|---------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 36,900 | 0 | 0 | 0 | 0 |
| Net Effect | (\$36,900) | \$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.

Analysis

Bill Summary: The task force must evaluate and make recommendations regarding improving local stormwater practices, including:

- determining ways to improve maintenance and oversight of stormwater ponds;
- evaluating the effectiveness of current practices that local entities do to maintain stormwater management ponds;
- studying and recommending innovative approaches that help minimize the release of pollutants and assist a local jurisdiction in meeting stormwater management requirements;
- evaluating statewide and local stormwater practices to determine if the roles and responsibilities of different agencies regarding stormwater management are an efficient use of the agency's resources and an effective method for overall stormwater management; and
- developing methods and strategies to encourage, educate, and assist local governments and developers in using environmentally sensitive design measures and low impact development techniques.

Current Law: 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. The 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.

Criminal, civil, and administrative penalties apply to violations of the State's stormwater management provisions. 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.

Background: The State began reducing the adverse effects of stormwater runoff back in 1982, with the passage of the Stormwater Management Act. State regulations followed

in 1983, which required local ordinances to be adopted and implemented by 1984. At this time, each local jurisdiction has a State approved and locally enforced stormwater management ordinance. Unfortunately, the increasing amount of impervious surfaces within the Chesapeake Bay watershed is outpacing current stormwater controls. Implementing and retrofitting stormwater management systems, however, is expensive. In 2004, the Department of Natural Resources estimated a funding shortfall for installing new and retrofitting old stormwater management systems at nearly \$1.9 billion from 2003 to 2010.

State Expenditures: General fund expenditures could increase by an estimated \$36,878 in fiscal 2008, which accounts for a 90-day start-up delay. This estimate reflects the cost of one contractual employee for MDE to provide the necessary support for the task force. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

| | |
|---|-----------------|
| Salary and Fringe Benefits | \$34,496 |
| Operating Expenses | <u>2,382</u> |
| Total FY 2008 State Expenditures | \$36,878 |
| Contractual Positions | 1 |

Because the bill terminates June 30, 2008, State expenditures would not be affected beyond fiscal 2008.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 9, 2007
ncs/ljm

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