

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 700 (Delegate Impallaria)
Environment and Transportation

Highway Construction - Storm Drains - Covers and Task Force on Preventing
Debris From Entering Storm Drains

This bill requires any new or replacement storm drain cover installed on a street or highway to prevent debris larger than one inch in height or circumference from passing through the storm drain. The bill also establishes the Task Force on Preventing Debris from Entering Storm Drains. The task force must report its findings and recommendations to the General Assembly by November 1, 2021. **Provisions of the bill regarding the task force terminate September 30, 2022.**

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase, potentially significantly, as discussed below. Any expense reimbursements for task force members and staffing costs for affected agencies are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

Local Effect: Local expenditures increase, potentially significantly, as storm drains are installed or replaced, as discussed below. Revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The Maryland Department of the Environment (MDE), the Department of Natural Resources, and the State Highway Administration (SHA) must provide staff for the task force. The task force must:

- study methods of preventing plastic bottles and other debris from entering storm drains and washing into the Chesapeake Bay and its tributaries through stormwater runoff;
- study the feasibility of incorporating grates in all storm drains to prevent debris from entering the drains and inlets during a rain event;
- study the costs associated with preventing plastic bottles and other debris from entering storm drains;
- study potential funding sources to implement measures that will prevent plastic bottles and other debris from entering storm drains;
- study the potential for the creation of pilot programs to prevent plastic bottles and other debris from entering storm drains; and
- make recommendations regarding the prevention of plastic bottles and other debris from entering storm drains.

Task force members may not receive compensation, but are entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law:

Stormwater Management Act

The General Assembly first enacted the Stormwater Management Act in 1982 and has amended it several times since. Stormwater management initially focused on urban flood prevention, later evolved into resource management, and, more recently, has become an environmental and regulatory function. According to the Office of the Attorney General, under the Stormwater Management Act, the legislature found that the management of stormwater runoff is necessary to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding in order to protect the State's water and land resources.

The intent of the Stormwater Management Act is to reduce, as much as possible, the adverse effects of stormwater runoff. To achieve that goal, the Act requires each county and municipality to have an ordinance implementing a stormwater management program that is consistent with flood management plans and that meets certain minimum requirements.

Requirements for Storm Drain Covers

Pursuant to the Transportation Article, any new or replacement storm drain cover installed on a street or highway in the State must consist of (1) bars running perpendicular to the flow of traffic on the highway; (2) a grating composed of intersecting bars; or (3) other designs approved by the Maryland Department of Transportation, which meets safety design criteria as well as engineering and structural design demands.

Background: SHA is responsible for more than 5,200 miles or approximately 16,800 lane miles of road, 2,500 bridges, 3,500 small stream crossing structures, and 80 miles of sound/noise barriers in the State. It also has responsibility for planning, designing, constructing, and maintaining these roads and bridges to safety and performance standards while considering sociological, ecological, and economic concerns. Streets and highways not maintained by SHA are generally the responsibility of the county or municipality in which they are located.

State Expenditures: TTF expenditures increase, potentially significantly as storm drains are installed or replaced; however, a precise estimate of the increase in costs depends on numerous unknown factors (including the ultimate design of any new storm drains developed under the bill) and, therefore, cannot be reliably estimated at this time. Requiring storm drain covers to prevent debris larger than one inch in height or circumference from passing through may increase expenditures in the following ways:

- The storm drain inlets may need to be redesigned and widened to accept the same amount of runoff, since the holes on the new storm drain covers will be smaller than the holes of those currently in use.
- If existing inlets must be redesigned or more inlets installed to accommodate the new storm drain covers with smaller openings, underground utilities and runoff systems could be affected and may need to be updated.
- As less litter or other material is able to pass through the storm drain covers, there is a greater chance of drains being clogged, especially during heavy rains. SHA may have to send out work crews to clean the new drains more often, leading to increased costs.

Local Expenditures: Similar to the effect on State expenditures, local expenditures increase, potentially significantly, for local transportation agencies to install and maintain storm drains and storm drain covers under the bill.

Small Business Effect: Small business contractors who work for the State and local governments to build, install, and maintain storm drains may be positively affected to the extent the bill results in an increase in the demand for their services.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Maryland Department of the Environment; Baltimore City; cities of Bowie and Takoma Park; Maryland Municipal League; towns of Elkton and Thurmont; Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2020
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