Coastal Zone Management Program

MARYLAND AND OUTER CONTINENTAL SHELF DEVELOPMENT:
State and Local Powers to Manage Onshore Impacts of Offshore Development

A Report to the Federal Energy Administration

Prepared on Behalf of the Governor's Office By:

Maryland Department of Natural Resources

and

Maryland Department of State Planning

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INTRODUCTION

Faced with a steadily increasing appetite for petroleum products, and a diminishing store of domestic oil and gas resources, the Federal government has begun to lease submerged lands off the middle Atlantic coast that hold potential for new oil and gas discoveries. Known as the Outer Continental Shelf (OCS), these resource lands are located due East of Baltimore, 47 to 92 miles off the New Jersey-Delaware Coast, and are covered by 131 to 607 feet of water. If resources are discovered, the Department of Interior estimates that as much as 400 million to 1.4 billion barrels of oil or 2.6 to 9.4 trillion cubic feet of gas may ultimately be recovered. A simple method to fathom the meaning of those large numbers is to state them in terms of daily production. If resources are discovered, there may be as much as 740,000 barrels of oil produced per day. The largest refinery in the Northeast can process 275,000 barrels per day.

Confronted with the need for petroleum, and the Federal actions off its shores, Maryland has pragmatically supported the Federal leasing initiative, while seeking safeguards to ensure that disastrous pollution of our coast never occurs, and that activities that must occur onshore to support offshore operations, take place in a manner that neither disrupts local communities, nor disregards State plans, policies and programs. The State's support is evidenced in its continuing cooperation with the Department of the Interior and the oil industry. Maryland has always sought involvement in the administration of OCS lands in order to assure that the safest, cleanest technologies are always employed on the Atlantic OCS. Proper siting of facilities that are needed to support offshore operations is the direct responsibility of State and local governments.

In its continuing deliberations on OCS policy matters, the Mid-Atlantic Governors Coastal Resources Council (MAGCRC) (an association of the Governors of New York, New Jersey, Delaware, Maryland and Virginia) has recognized the importance of State and local powers in ensuring that OCS facilities are sited in a manner that does not conflict with land uses and State policies. Furthermore, the MAGCRC understands that facility siting in any one MAGCRC State may directly affect land uses and State policies in adjoining States. Therefore, an effective response to facility siting pressures generated by offshore oil activity requires a complete understanding of the facility siting process in each MAGCRC State. Accordingly, with financial assistance from the Federal Energy Administration, each MAGCRC State has undertaken an inventory and assessment of State and local government institutions, roles, and powers that relate to guiding, supporting, and managing the siting of facilities onshore that may be required to support offshore oil and gas exploitation.

This report presents an inventory and assessment of State and local powers in Maryland that are available to manage the landside impacts of offshore resource exploitation. It was prepared for the Governor's Office by Maryland's Departments of Natural Resources (Energy and Coastal Zone Administration) and State Planning. The first section of the report provides a concise description of activities that may occur onshore as a result of offshore oil and gas exploitation. Sections II and III review State and local powers. The final section discusses several possible alternate programs and procedures that would capitalize on the strengths of existing regulatory systems to ensure that State and local governments have all the tools necessary to manage facility development for maximum benefit to the citizens of Maryland.

OCS DEVELOPMENT AND MAJOR FACILITY SITING

This chapter will set the stage for the discussion of State and local powers that forms the focus of this Report by sketching the OCS development process, describing major industrial facilities that must be located on land to support offshore oil activities, discussing impacts associated with these activities, and outlining the most plausible schedule for the development of these facilities in Maryland. Much already has been written about the OCS leasing process and potential onshore impacts. An in depth review and critical analysis of the most pertinent literature, titled "Identification and Analysis of Mid-Atlantic Onshore OCS Impacts" was completed by the MAGCRC in late 1975.*

OCS Development Process

As one element of Project Independence, the Federal Government is implementing a program of accelerated leasing of Outer Continental Shelf (OCS) frontier areas for hydrocarbon exploration. These frontier areas -- areas where no previous leases have been sold -- include large expanses of acreage off Alaska and California, in the Gulf of Mexico, Georges Bank off New England, and in Baltimore Canyon Trough. The frontier area of principle concern to Maryland is the Baltimore Canyon Trough due East of New Jersey and the Delmarva Peninsula. The Baltimore Canyon Trough is a submerged geological feature extending 300 miles from off Long Island to near Cape Hatteras. The Baltimore Canyon is approximately 125 miles broad at its widest and water depths vary

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* Copies may be obtained from the Department of Natural Resources, Energy & Coastal Zone Administration.

from 20 to 6,000 feet with a mean depth of approximately 200 feet. Interpretation of geophysical data portraying sediment layers at the bottom of the Baltimore Canyon indicates significant potential for the discovery of crude oil and natural gas.

Over the anticipated 25 year productive life of the area, the U.S. Geological Survey estimates that as much as 0.4 to 2.6 billion barrels (bbl) of crude petroleum and from 2.6 to 12.8 trillion cubic feet (tcf) of natural gas may ultimately be discovered and produced. However, because these resources lie hidden underground, there is no way of knowing exactly what resources may be found, or even if any resources will be discovered, until exploration and drilling actually takes place. The possibility remains that there are no recoverable hydrocarbons whatsoever in the middle Atlantic OCS. In planning to mitigate the near shore and onshore impacts resulting from OCS activities, one must accept this absolute uncertainty.

After purchasing OCS leases oil companies progress through exploration, development and production phases of the resource exploitation process.* The time between initiation of exploration and peak production has been estimated at anywhere from five to fifteen years. Exploratory drilling in the North Sea off of Scotland began in 1966 and oil production did not begin until late in 1975. The time it takes to achieve peak production is contingent on several factors, including:

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* A concise description of the OCS leasing process is found in U.S.G.S. Circular 720.

- Water depth;
- Distance from other producing fields;
- Number and depth of producing wells required to justify pipeline construction;
- Availability of drilling equipment and personnel;
- Climatic, marine, and geophysical conditions;
- Legal, social and political obstacles to the construction of needed facilities.

Following is a capsule description of the three phases leading to hydrocarbon production from the Outer Continental Shelf.

Exploration

Exploration is the search for hydrocarbon deposits by remote geophysical means as well as by actual drilling to discover resources. Under current Department of the Interior procedure on-structure drilling can only occur after leases have been sold. After conducting geophysical surveys, and purchasing leases, oil companies drill wells in sediment formations that may harbor "traps", or pockets, of oil and gas. The success rate for "wildcat" discovery is on the order of one commercially successful well for each 15 holes drilled. Since each well costs several millions of dollars, oil exploration is an extremely high stakes enterprise. Such exploratory drilling is conducted from mobile platforms. The sole objective of exploratory drilling is to discover, and prove the commercial potential of, the petroleum resources located within the leased lands.

Regulation and inspection of drilling activities is the duty of the U.S. Geological Survey and includes supervision of: personnel safety, drilling

equipment, power systems, pollution control systems, marine traffic, and drilling rig safety systems. Memoranda of Understanding with concerned agencies such as EPA and Coast Guard seek to ensure that the Geological Survey exercises the full range of Federal powers in oversight of offshore operations.

Although exploration activity may locate hydrocarbon deposits, these deposits must prove sufficiently large to economically justify continuation to the development phase.

Development

Once resources have been discovered and proved commercially viable, they must be developed. The decision to develop a particular oil resource represents a major financial commitment to an area by the industry. Consideration is given at this time to the type of platform to be used for drilling the wells; the type of production system to handle the flow of hydrocarbons from the well; the schedule and pace of production; and a program for development of onshore facilities in support of OCS activities including oil storage facilities, production terminals, pipelines, refineries, and onshore support bases. It is a period when the construction of oil and gas related facilities has potential for great landside environmental and socio-economic impacts on local communities. Construction activities are at a peak and manpower requirements are heaviest during this 5-15 year period.

Development drilling is conducted from fixed platforms. The development platform may stand as tall and massive as a forty story building, and represents an investment of hundreds of millions of dollars. As many as 60 wells can be drilled from a single platform. During the development phase, pipelines will be constructed linking the platforms with processing facilities on the land. If total reserves do not justify the expense of a pipeline, tankers and barges may be used. The number of platforms estimated for an area is one indicator of

the magnitude of economic impact.

Oil field development activities are permitted and closely monitored by the Geological Survey.

Production

The temporary high demands for employment and shoreside services will level off as full production begins. The production phase commences when offshore hydrocarbons are brought to shore to landside storage and processing facilities. During the passage from well-head to processing facility, the hydrocarbons must pass through a variety of intermediate processing facilities located offshore or on land. These intermediate facilities separate impurities from the product, and gas from oil. The transfer, transport, and processing of liquid petroleum during production presents a significant potential for environmental incidents, and incipient degradation of air and water quality. At the same time, however, the production phase is the period during which State and local economies may receive sustained financial return from OCS activities.

Finally, the temporarily high demands for shoreside services that characterized the development phase will level off as full production begins. After the field has reached its peak, usually at least 10 years after the onset of production, employment and shoreside activity will taper off, in step with the declining production in the field.

Facilities and Facility Siting

Many factors intertwine in the complex decisions associated with the siting of facilities for production, transportation, and processing of oil and gas.* Offshore, facility siting decisions must take into account:

- Size and location of producing area;
- The mixture of oil and natural gas produced;
- Climate;
- Water depth, and;
- Sea floor and other geophysical conditions.

These factors determine the distance facilities must be from the producing field as well as the kinds of production platforms necessary. Onshore siting decisions are contingent among other factors;

- Natural condition of shore areas;
- Landside geographic conditions;
- Distribution of existing onshore facilities;
- Regional demand for oil, gas and their products;
- Existing land use;
- Federal, State, and local land use regulations;
- Local economic conditions;
- Regional and local attitudes towards development;
- State and local tax structures.

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* An extensive discussion of facility siting is found in Onshore Planning for Offshore Oil: Lessons from Scotland.

Before exploration can begin, operations bases must be established by the oil companies. Operations bases will be in use for the duration of activity in the area. If hydrocarbons are found in commercially producible quantities, fabrication yards, pipelines, storage tanks, and processing facilities including refineries may be constructed during the development phase. Facilities to be described below include: operations bases, fabrication yards, pipelines, intermediate production terminals, storage tanks, and refineries. These were selected to correspond to types of facilities covered by Maryland's Coastal Facilities Review Act (Section 6-506 et seq. of the Natural Resources Article).

Operations Base

The operations base is a port or harbor facility which functions as a supply base transshipping men and materials by ship or helicopter to offshore drilling rigs or production platforms. Operations bases require considerable warehouse or open storage space for drilling equipment, chemicals, pipe, and other provisions, and also some storage capacity for fuel oil and other fuels. The operations base also may serve as administrative headquarters for field operations in which case office facilities are also required. Operations bases are operated by lessees or by independent contract service companies. Ancillary activities performed at operations bases include providing repair and service functions to the various drilling rigs and platforms, as well as equipment testing and personnel training.

Smaller industries associated with oil production will seek to locate industrial areas with good truck and rail access to the operations base. These support services include oil-tool manufacturers, diving and drilling contractors, geophysical specialists, trucking companies, welding shops, cement supply companies, machine shops and others.

Operations bases operate around-the-clock on land and in the water.

Fabrication Yard

Fabrication yards are steel yards for the construction of drilling platforms and other large equipment for oil field production. The Brown & Root Company's Proposal to develop a 3000 acre tract near Cape Charles, Virginia, for the production of large steel structures, is an example of a fabrication yard proposal. Fabrication yards need not necessarily be located in close proximity to an oil field, because the cost of deep ocean towing is but a fraction of the cost of constructing a large steel structure.

A fabrication yard site must be a level area located adjacent to deep water, with adequate rail or road access for movement of materials. Platform construction is capital and labor intensive, utilizing large quantities of material and requiring skilled workers.

Pipe Yards

A pipe storage and coating yard typically requires 90-100 acres of waterfront land, 95% of which is used for the storage of pipe. The remaining 5% is used for the offices, coating plant, parking and other facilities. The yard must have a ~~minimum of 1,000 linear feet of water~~front land that can be used for dock space (although more is desirable), with a minimum water depth of 10 feet up to the wharf. Good rail and/or truck access is needed, as well as a clear channel from the wharf to the ocean.

Construction of a pipe coating yard may take 3-4 months, although this can vary widely depending on how much flat land, wharf space and other facilities already exist. Between 50 and 75 workers are needed during construction, of which 50% to 80% might be local, depending on the local labor supply and regulations. Once the yard is in operation, 150-200 people may be employed. Although supervisory personnel must be brought in from existing yards in other regions, 50% to 75% of the total work force can be hired locally. Pipe coating yards work a normal five-day, 40-hour work week.

Activity at a pipe coating yard may fluctuate with the season and the activity in the oil field. Although normal operations may require daily deliveries of 150-300 tons of pipe coating material, this amount occasionally may fall below 50 tons per day. The quantity of pipe needed per day also will vary widely, depending not only on the amount of coating activity, but also on the size (diameter) of the pipe needed offshore and on its wall thickness.

Although pipe coating yards emit quantities of dust into the air, the problem can be controlled by the use of dust collectors. Pipe yards require as much as 3,000 gallons of freshwater per day for cooling purposes. The solid waste created by a pipe coating yard is largely composed of cement reject and leftover asphalt-based coating material, which can be disposed of at municipal facilities. Some dredging and filling, with associated impacts, might be required in order to meet the land and water siting requirements mentioned above.

Refineries

Refineries convert crude oil into commercial products -- gasoline, kerosene, various grades of heating/fuel oil, and by-products such as asphalt, grease, acids, waxes, and raw materials for petro-chemical plants. Although the industry has estimated that there is sufficient refinery capacity on the East Coast to process oil from the OCS, it is reasonable to anticipate that new refinery capacity may be needed in Maryland in the future.

Refineries require large amounts of land zoned for heavy industrial use, and require rail and truck access to facilitate the distribution of refined products.

Refineries place several demands on the environment, including the need for cooling water and ambient air quality that can dissipate a variety of emissions without violating air quality standards.

Gas Plants

If natural gas is produced offshore, it must be separated from oil and impurities, and into its component fractions, as well as be pressurized for pipeline transport. Normally odorless, natural gas must also be odorized to facilitate detection in the event of leakage. A gas separating facility is designed to remove liquid hydrocarbons, carbon dioxide and hydrogen sulfide from the produced gas, in addition to odorizing and pressurizing gas for transportation. The by-products of the plant -- sulfur, butane, ethane and heavier liquids -- are stored and transported by truck or rail as appropriate, with the possibility that the extracted liquids may be piped to a petrochemical plant. Gas plants require little acreage and few employees, but they must be located directly on the gas pipeline.

Intermediate Production Terminals and Storage Tanks

Intermediate production terminals separate oil and gas from sand and water, and oil from gas. Intermediate production terminals also pressurize oil and gas for delivery to a pipeline. The intermediate production terminal may be located on the platform itself, on a separate platform, or at an onshore facility. In addition to the separation function, the intermediate production terminal may also provide storage capacity for two or three days of production.

Oil is stored temporarily at tank farms as a means of regulating the flows to processing facilities. The oil industry prefers to operate processing facilities with storage capacity on hand to hold the equivalent of 10 days' production. If a refinery processed 300,000 barrels of crude oil per day, it would require a storage capacity of three million barrels. Storage facilities may be associated with pipelines, intermediate production terminals, pumping transfer facilities, refineries, and other processing facilities.

Marine Terminals (On-Shore Support Base)

A marine loading terminal is required for two specific transactions: the receipt of crude oil if the transportation strategy includes transfer from offshore to onshore by tanker or barge; or the transfer of crude oil from pipeline to barge for distribution to processing facilities.

A marine terminal facility includes a tank farm for storage; a terminal, including berths, docks, crude and product loading and unloading equipment, and other harbor facilities, such as navigation aids, tugs, and any apparatus related to terminal control and management.

The type and size of the terminal and storage capacity depends on its function, the amount of throughput, and the size and frequency of tankers to be handled.

Because the marine terminal used for transshipment may receive oil by pipeline from the well-head at a constant rate, and ship oil from the terminal in an intermittent manner, depending upon the arrival pattern and tonnage of barges serving the terminal, the terminal requires "buffer" storage for oil to compensate for the different rates of reception and discharge of oil.

Oil must be loaded into the barges safely and rapidly. This is accomplished through loading platforms from either a shoreside or offshore terminal. The operations control building, located on the loading platform, provides shelter for operating personnel and includes telephone communications to the shoreside operations center, speaker systems, search lights, etc. A shoreside wharf is normally located inside a harbor. It may be located parallel or perpendicular to the shoreline, depending on availability of land, size of harbor channel, and prevailing wind and current direction.

Pipelines

After proving the commercial potential of a discovery, it is necessary to determine the precise number and size of oil and gas pipelines required to carry oil and gas to processing facilities on shore. Among the many factors affecting pipeline location are the number of oil companies involved, government policy towards pipeline consolidation, location of production fields and existing onshore facilities, public attitudes, State and Federal regulations and tax structures, natural features, product demand, and economic conditions. Natural gas pipeline routes may not necessarily be similar to oil pipeline routes. Because economic considerations exert the strongest influence on pipeline location, industry's preferred route is usually the shortest distance between two points.

There are several standard techniques used in pipeline construction. One method utilizes barges and tugs to pull sections of welded pipe from an onshore location over a selected right-of-way. A more common method, particularly with pipes of large diameter and long lines to the oil fields, is the use of a specially constructed barge called a "lay barge." This barge contains all the necessary facilities required to weld the pipe and place it on the ocean floor. The pipe is coated with an epoxy resin or asphalt paste to discourage erosion, and weighted with concrete. Pipelines are buried using a device which pumps air and water at high pressures to blast a trench into which the line is laid. The point at which the pipeline comes ashore is known as the landfall, and the pipe is buried at least ten feet beneath the beach. U.S. Geological Survey regulations require that pipelines be buried at least three feet in water depths less than 200 feet. In shipping and anchorage areas, pipelines must be buried at least ten feet.

Impact of Facilities Built Onshore to Support Offshore Resource Exploitation

Each of the facilities described above places demands on the community for materials and labor, and on the environment's absorptive capacity to dissipate the effects of industrial operations. In addition to these primary impacts, the location of an OCS facility in a community may generate a need for new or improved transportation, public utilities, houses, schools, commercial and recreational space. These secondary impacts of facility siting will be related to a facility's cost, and proposed labor force. Construction of a facility will cause different impacts from operation of a facility.

Fabrication Yard

A fabrication yard in Louisiana occupies 1,500 acres and employs approximately 2,400 persons. The fabrication yard proposed in Northhampton County, Virginia would occupy about 1,000 acres and employ up to 1,500 persons at the end of a ten-year period. During the construction of the latter facility, approximately 340 construction workers would be employed during the first two years. Most of these workers are likely to be already employed by the company that proposes to build the facility.

The construction of offshore oil platforms in a fabrication yard is a labor intensive operation requiring craftsmen and skilled workers. Although trained workers would be imported from other company operations to operate the facility, there would be some demand for unskilled labor and for local people who could be trained to perform skilled and semi-skilled jobs. Such a massive program for retraining the labor force in a rural area such as the Eastern Shore could create labor shortages in existing industries. In addition, other employers, especially in agriculture and fishing, would have to compete with the higher wages offered by the oil industry.

The smaller the size of the community in which a facility is located, the more strain and disruption may occur as that community tries to meet the demand

for motels, restaurants, and other commercial activities induced by additional employment in an area. Experience elsewhere underscores the many uncertainties in predicting the impact of a fabrication yard on the total employment picture. At one Scottish fabrication yard, a firm anticipated hiring 900 employees, but ended up creating 3,000 new jobs. In addition, activity at a fabrication yard is subject to bidding successfully on contracts. Sudden and unpredictable lay-offs and hirings occur frequently.

The labor force at a high employment facility such as a fabrication yard must find housing. During construction the need for rental units may force rates upward. All available dwellings may become occupied quickly. Consequently, there may be pressures for mobile homes and mobile home communities during the early stages of development of fabrication yards. Mobile housing should be of concern to local government because it is difficult to regulate and generates little tax revenue under traditional zoning and taxation systems.

Facility development also creates a need for new community services. In the Northampton County, Virginia proposal 900 new workers required for the facility may result in an additional 2,923 residents in the County. The 717 new school children included in this figure may require additional county and State expenditure for schoolroom facilities, teachers and new classrooms. These new residents will also require new physicians and hospital or clinic capacity. There also will be increased demand for recreational facilities.

In addition, the host community may require additional fire and emergency control capacity. Increased population and housing will generate a need for expanded solid waste landfill capacity. Finally, social services such as welfare, aid to dependent children, disabled, and elderly will be affected by the sudden growth of the community.

The community transportation system will also be impacted by a fabrication yard's operation. Coastal land may have to be filled, channels and harbors dredged. Highway and rail systems must meet the demand for the movement and transshipment of materials.

If the new facility does not provide its own utilities, sewer, water and power, interconnections may have to be built.

The primary environmental impacts associated with construction of a fabrication yard have been described earlier. During operation, there will be direct impacts on air and water quality. The heavy industrial character of platform production will cause considerable dust and noise and the equipment required will undoubtedly have an adverse aesthetic impact.

The rapid growth caused by facility construction may place tremendous burden on state and local revenues for public works projects and new programs. Often these projects and programs must be begun before tax revenues generated by a major facility will be forthcoming. The benefits of revenues generated by a major new industrial facility must be examined carefully in light of the public dollars required to support that facility. Consideration must be given to the length of time that the facility will be in operation and the consequences of gradual reduction or a complete shut down. Any rapid economic growth resulting from oil related onshore facilities will be reversed if operations are discontinued. Although an oil field may produce for as long as thirty years, the demand for production platforms will eventually be met and the need for many onshore support facilities obviated.

A community's social structure will be as seriously affected by the development of a major onshore facility as its physical infrastructure. Rapid growth will disrupt the expectations and aspirations of individuals as well as the collective community in positive and negative ways. The rapid influx of workers and their families may cause tensions between new and old residents. Traditional ways of life and values may often come into conflict with those who might be considered "outsiders". Disruptions caused by the construction of any major new facility always seem to focus debate on that elusive characteristic "quality of life". Intangible human factors must be considered while means to ameliorate such difficulties also must be designed.

Problems and impacts from all onshore facilities are similar in nature to those identified in this discussion. Differences in degree are related to the level of investment and employment in each facility. The remaining discussions will not reiterate the generic statements that have been made.

Operations Base

The operations base is a supply depot supporting offshore oil development. The kinds of impacts that occur will depend on whether a base is established at an existing harbor facility or at a new location.

One large operations base in Louisiana employs 230 people, 160 of which work offshore. Secondary employment and population impacts occur as smaller industries which support offshore activity locate within trucking distance of the operations base.

Substantial impacts may be felt on the transportation system. Heavy trucks will be required for the shipment of drilling equipment, pipe, chemicals, and other provisions. Storage of pipe may require significant acreage adjacent to the base. Also associated with the operations base may be a helicopter facility for transporting men and materials between onshore and offshore operations.

Construction of an operations base may require dredging of channels and filling of available coastal land.

Because operations bases are the nexus linking supply services onshore with oil operations offshore, the key to managing the substantial impact of the entire support operation, in the face of the negligible impact of the facility itself, is to exercise adequate zoning authority in the surrounding region, where a wide array of support activities that do not need water access will seek to locate. Table I lists some of these support industries. Many support industries may be good clean industry capable of operating out of an industrial park.

Pipelines

Although the socio-economic impacts of pipelines should be relatively small, resulting in only temporary employment opportunities when the line is laid, massive processing facilities will seek to locate wherever the pipeline ends. The American Petroleum Institute reports that buried pipelines within a 75 foot right-of-way temporarily disturbs only 9 acres of land per mile. Proper choice of landfall, route and terminus can minimize the impacts of pipelines.

Intermediate Production Terminals

Intermediate production terminals are usually associated with pipelines. Most terminals do not occupy much land and are highly automated. They require little maintenance and do not employ many people.

Tank farms or other storage facilities may be associated with the intermediate production terminal pipelines or refineries. Temporary socio-economic impacts would occur during construction, since these facilities, too, are highly automated. Because of their size, the construction of storage facilities has potential for significant environmental effects on particular sites. Spills are an ever-present threat. Chronic hydrocarbon emissions may also occur. If not properly sited and monitored during construction, storage facilities may be

TABLE I

Satellite Industries Which May Locate Near an Operations Base

navigation services
marine supplies and repairs
drilling tools and services
cement supplies
welding
well casings
wellhead equipment
anti-corrosion services
core analysis and well testing
machine supply, rental
machine repair
oceanographic instruments
divers and diving services
diving equipment
helicopters
float planes
trucking
rail service
shipping agents
freight handling
warehousing
drilling crews
drilling muds and chemicals
weather forecasting services
non-destructive testing services
safety and firefighting equipment
medical facilities
engineering services
contract maintenance
inspection services
pipe yards
pipelaying services
welding contractors
seismic surveys services
catering
accommodation leasing
property agents
communication services
radio equipment
bunkering facilities for oil & freshwater supp
pollution control
office space for oil and geophysical firms, etc
technical training facilities

visually unattractive, although tank farms may be constructed partially underground and screened by man-made hills.

A refinery which has been proposed for Portsmouth, Virginia, would take two years to construct and create 2,400 new jobs in the refinery and associated port industries. Although appropriate technical innovations can mitigate many potential air and water quality impacts, citizens and communities often object to the odoriferous reputation of refineries and the visual impact of a lighted night sky silhouetting, the maze of pipes, towers, and storage facilities. Potential sources of pollution include:

- Heat released to atmosphere or water body;
- Contaminants from combustion required to generate heat;
- Evaporation of hydrocarbons;
- Liquid contaminants resulting from water contact with process streams;
- Contaminants from tank cleaning;
- Sludges from waste treatment processes;
- Spent catalysts.
- Potential for oil spills from tanker groundings and collisions, oil transfer operations, ballast discharges, tank cleaning discharges, oil wastes from industrial operation and storage facilities, seepage, and disaster.

Findings

The question lingers, how much of this industrial activity will locate in Maryland?

Maryland is not a frontrunner for the location of oil-related facilities. Our short, tourist-oriented Atlantic Coastline restricts the opportunity for siting production-oriented facilities such as onshore support bases.

If major discoveries are made, however, and if Delaware Bay ports

such as Lewes, Delaware, become operations bases, Maryland's Upper Eastern Shore, and the Baltimore Region could host some satellite supply activity, providing goods and services by truck and helicopter to the onshore support base.

Chesapeake Bay, which is too remote from the Atlantic offshore for onshore support bases, does have significant available land and infrastructure that may make several areas attractive for fabrication yards and processing facilities. Steel production in the Baltimore Region and potential rail access on the Shore may induce fabrication yards to locate on Chesapeake Bay. Crude oil and natural gas could cross the Delmarva Peninsula by pipeline to processing facilities located elsewhere in Maryland. It is important to remember, however, that Maryland is not the only State in the Middle Atlantic region with available industrial land. The jurisdiction that displays the most constructive attitude and presents the most reasonable tax and infrastructure package stands the best chance of being picked to provide a home for processing facilities.

THE ROLE OF STATE GOVERNMENT IN MANAGING THE ONSHORE IMPACTS OF OFFSHORE RESOURCE DEVELOPMENT

Oil-related facilities, like all industrial projects, must conform to State programs, policies and environmental regulations. This section examines State responsibilities, laws and programs in the light of the description of oil-related facilities that has been provided.

Department of Natural Resources Energy & Coastal Zone Administration

Among its other responsibilities, Maryland's Energy & Coastal Zone Administration conducts coastal zone planning for the State pursuant to the Federal Coastal Zone Management Act of 1972 (P.L. 92-583), and administers the Coastal Facilities Review Act of 1975 (Section 6-502 et seq. of the Natural Resources Article).

One major objective of the coastal management program is to integrate consideration of major facility siting into a comprehensive coastal management strategy for the State. To this end, the coastal management program is:

- Screening each coastal county to identify sites that are suitable, and favorable, for the location of major industrial facilities;
- Developing a methodology to enable State and local governments to determine the environmental impacts, and benefits and costs of specific major facility proposals;
- Analyzing the impact that major industrial facilities may have on the fiscal structure of the State, and the host community.

The Coastal Facilities Review Act (CFRA) establishes a joint State-local site review and permit process for oil-related facilities seeking to locate in Maryland's coastal counties, excluding Baltimore City. The Act covers pipelines, fabrication yards, onshore support bases, storage facilities, intermediate production terminals and refineries.

Under the provisions of the CFRA both the State and the host local jurisdiction must approve an application to construct an oil-related facility before a permit to construct can be issued. Issuance of a CFRA permit explicitly includes issuance of all other permits under the Natural Resources Article.

The State's decision on a CFRA application must be based on an extensive environmental and economic analysis of the project. The environmental and economic analysis is prepared by the State at the applicant's expense, and may not be conducted until the host local jurisdiction expresses an initial interest in the project. The Department of Natural Resources must also solicit the views of all other concerned State agencies on the project.

The CFRA process may take as little as 11 months or as long as 23 months. To date, no CFRA application has ever been received.

Water Resources Administration

The Water Resources Administration (WRA) has been given a very broad mandate to manage the State's water resources. Its regulatory activities are carried out by a Permits Division, backed up by an Enforcement Division. WRA also contains a Planning Division, responsible for Water Quality Planning pursuant to Sections 208 and 303(e) of the Federal Water Pollution Control Act of 1972, a Technical Services Division responsible for monitoring and providing baseline water quality data, and a Hydrologic Services section responsible for mapping flood plains, overseeing local sediment control programs, and aiding local governments in complying with the Federal flood issuance program.

Planning and Technical Services Division

The Planning and Technical Services Division sets standards and criteria for the administration of permit programs. The Planning and Technical Services Division also carries out Federal Water Quality planning processes mandated by the Federal Water Pollution Control Act (P.L. 92-500). Among these are river basin planning programs (Section 303(e) of the Act), and Area-wide Waste Treatment and Non-Point Source Pollution Planning (Section 208 of the Act). Other related planning activities in WRA include planning for dredge spoil disposal, administration of the State wetlands law, quality classification of water bodies, oil spill contingency planning, and flood control programs assisted by the Federal Flood Insurance Administration.

One goal of the water planning division is to take the art out of the permit process by developing sufficient information so that water quality classifications and waste load allocations will be so well explicated that setting discharge limitations for individual applicants will become a very standardized procedure.

For any major new development proposed in the State, the Planning Division can predict the facilities requirements, costs of supplying services to the development, and attendant induced growth. Provision of such planning services to specific projects, however, can strain the present budget and manpower of the Division.

The Permits Division

The permits division administers all permits for WRA. It is subdivided into Water Permits (discharge, water appropriation, well drilling) Watershed Permits (waterway construction, waterway obstruction, sediment control, storm water management policy), Wetlands Permits (wetlands permits, recommendations on wetlands licenses, water quality certifications for Corps of Engineers permits), and Oil Permits (oil handling and storage, terminal licenses, oil spill cleanup). The Division is headed by a Director who oversees the administration of all permit programs. While each permit section considers permit applications separately, the Chief of the Permit Division attempts to track all permits and foster coordination between permit processes whenever necessary. Joint hearings are held on projects requiring more than one WRA permit. Because WRA permit personnel are generally aware of all required permits, an applicant who applies to one section, will often discover that he needs permits from other sections as well.

Water Permits cover:

- Surface Water Appropriation;
- Groundwater Appropriation;
- Well-Drilling;
- Discharge of wastes and toxic materials to groundwater or surface water.

The water appropriations permit applies to any new user of water not hooking into an existing system. Any oil facility using its own water sources would require this permit. While an appropriation permit can be denied for nearly any non-arbitrary reason, it is the policy of the Water Permits Section to allow any use which does not jeopardize the State's water resources, exceed the available supply, or threaten to violate water quality standards. The Water Permits Section of WRA does not consider the discretion in regulation of groundwater withdrawals to be as great as surface water withdrawals because the groundwater is "akin to a property right". The permit is required prior to beginning construction of the facility which would withdraw water.

Water appropriation and discharge permits ordinarily are handled concurrently because nearly every water withdrawal results in a discharge. Any indication that the conditions of the discharge permit cannot or will not be met can result in denial of the water use permit.

Discharge permits pursuant to both the Federal Water Pollution Control Act and State law involve far less discretion because water quality classifications and waste load allocations determine what the discharge limitations will be. If the discharger can meet the effluent standards, WRA has no grounds for denying a permit. The definition of discharge in State law, however, is very broad and may allow for the regulation of most non-point sources even though the State has not done so as yet.

Although the water appropriation permit system is not used to regulate land use, it does impose some land use constraints. The lack of suitable water in some areas of the State limits industrial users. The Coastal Plain has such highly saturated sediments that water availability is not a limiting factor in that region, despite occasional suboptimum water quality and flow rates.

Discharge permits criteria also could potentially limit land uses and industry siting in the event that waste load allocations are ever fully appropriated.

While the Water Permits Section recognizes that its activities may have significant land use impacts, they prefer to allow counties to consider the

permits after local approvals have already been obtained. In addition, water appropriation permits can be denied because a project fails to meet county plans.

Watershed Permits regulate:

- obstructions to water flow;
- changes in the cross section of streams;
- building within the 100-year floodplain.

The purposes of these programs are to prevent adverse hydraulic changes in streams, protect State waters, and prevent the creation of hazards in and to State waters. Any change in the floodplain is viewed as negative to the public interest. Because the purpose of this program is to protect natural resources, and not necessarily the applicant, the Watershed Permits Section has been able to use evaluation criteria, such as wildlife habitat value, water quality, and fish spawning, in the discretionary issuance of their permits. Although nearly 90% of all applications are approved, the great majority of permit applications are modified considerably by conditions placed on the permit.

Pipelines are one facility which would nearly always require a floodplain construction permit. In most cases this permit would be granted, because the pipeline would not represent a permanent change to the floodplain. Conditions imposed in the permit might include very explicit sediment control measures (grade, type of vegetation, etc.) and time restrictions to prevent interference with life cycles of fish or wildlife. A use such as a refinery, fabrication yard or operations base, would not be permitted to site entirely within the 100-year floodplain.

To date not all the floodplains of the State have been delineated and mapped. Thus, many permit applications require an individual determination as to whether the project as proposed actually lies in the floodplain.

The Watershed Section also administers locally implemented and enforced sediment control programs. WRA trains sediment control inspectors, and maintains the authority to enforce county and municipal sediment control ordinances. State projects such as highways and State office buildings must obtain a State sediment control

Wetlands Permits regulate dredging and filling of State and private wetlands. Three types of activity on wetlands are allowed by right: prevention of erosion and reclamation of Federal land lost after January 1, 1972; maintenance of reasonable access to navigable waters; uses deemed to be of overriding public benefit.

State wetlands are defined as any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Private wetlands are those lands not considered State wetlands which border or lie beneath tidal waters and are subject to regular or periodic tidal action and support aquatic growth. WRA issues permits for dredging and filling of private wetlands, and recommends actions on licenses for such work to the Board of Public Works, which administers State lands.

Although most wetlands applications are eventually approved, most projects are extensively modified during the permit review process to conform with State criteria. For example, a subdivision proposal including a pier and boat slip in front of every home may have to substitute one community marina in place of individual piers before a wetlands permit or license will be issued. In addition, projects which needn't be located in wetlands will be encouraged to locate elsewhere. A similar evaluation would go into a major facility siting decision. Any major facility proposal would have to show that it made the minimum feasible use of wetlands, that it was positioned so as to minimize the amount of maintenance dredging involved, and that it had reasonable prospects for disposing of future dredge spoil.

Oil handling permit and licensing programs seek to ensure that oil handling, storage, transfer, waste oil disposal and marine transfer facilities operate in a manner that prevents oil pollution, and that in the event of a pollution incident, oil terminal facilities and vessels transporting oil are financially able to cover clean-up and liability expenses.

If the oil handler can show that his facility has incorporated enumerated design standards, and has a current contingency plan for handling accidental

spills, a permit will be forthcoming. In spite of this non-discretionary approach to permitting, records show that only 60% of applications received are approved on the first review.

In addition to developing a spill contingency plan, oil terminal facilities must also purchase a license. License fees are assessed annually and based on the size of the facility. The license fees support the Oil Disaster Contingency, Containment and Cleanup Fund. The Oil Permits section administers this fund. The fund supports a State oil spill control program.

Eight mobile spill control units have been deployed throughout the State within an hour's driving time of any Maryland location. The equipment in each unit can contain harbor-size spills, but the State still has no capability to contain a large open water spill. In the event of such a catastrophic occurrence, the assistance of Coast Guard airborne strike teams, based in North Carolina, would have to be requested.

Enforcement Division

While the Natural Resources Police Force is charged with upholding all of the Natural Resources Laws of the State, the Water Resources Administration Enforcement Division is charged specifically with enforcing the water resources laws. The Enforcement Division is an inspection and investigative unit. However, because the Enforcement Division inspectors are not policemen, they cannot arrest or prosecute violators, nor do they serve injunctions. The Natural Resources Police must carry out these police functions, while the State Attorney General carries actions to the Courts. Two Natural Resources Police Officers have been assigned to the Enforcement Division.

After a permit has been issued by the Permit Division, it is assigned to an Enforcement inspector. The inspector must monitor each permit to determine compliance. Continuing permits such as discharge and appropriation permits are monitored on a monthly basis. Inspectors are trained by assigning them to

the various permit sections temporarily in order to familiarize them with the purpose and nature of each permit process. Despite exemplary vigilance, most reports of illegal activities come from complaints made by members of the public.

Minor violations of the Natural Resources Article may be subject to citations and fines, according to a schedule approved by the Chief Judge of the District Court. Because citations cannot be issued to corporations, corporations must be issued formal complaints and summonses.

The Enforcement Division also is responsible for the actual cleanup of oil spills, and investigation of the causes and origins of spills. The Captain or agent of a ship from which a spill originates can be arrested and detained until a bond for the cleanup of the spill has been posted.

DEPARTMENT OF HEALTH & MENTAL HYGIENE
Environmental Health Administration

The Environmental Health Administration (EHA) shares responsibility for environmental quality with the Department of Natural Resources. EHA programs that may influence the siting of oil-related facilities include air quality and noise regulations (Bureau of Air Quality & Noise Control), and water and sewer utility, and solid waste disposal planning and regulation (Bureau of Community Health Protection).

Bureau of Air Quality & Noise Control

The Bureau is organized into four divisions: Air Monitoring and Surveillance, Program Planning and Evaluation, Compliance, and Engineering. The Planning Division inventories and computerizes registered sources of air pollution and uses this information in air quality planning and impact assessment. The Engineering Division regulates point sources of air pollution and provides technical assistance to applicants attempting to meet emission standards. The Compliance Division reinforces regulatory actions by inspecting and evaluating industrial sources of pollution, and coordinating legal actions with the Attorney General and county health departments. The Monitoring Division operates an automated monitoring system to determine air quality and establish a Pollutant Index for the Baltimore Region and the Metropolitan Washington Council of Governments.

All existing air pollution sources in the State must be registered with the Bureau. Major sources require annual operations permits. New sources must obtain a permit prior to the onset of construction.

There is little room for discretion in the administration of air quality permits. After regional standards have been determined, applicants must demonstrate that they can comply with the standard. Because the sole ground for permit denial is noncompliance with the emission standards, the flexibility in the program lies in the planning process by which standards are determined. Presently Maryland's standards are more stringent than the minimum Federal standards promulgated by EPA. Visual emissions, for example, are strictly prohibited.

Emissions standards have been established for the entire State, broken down into seven air quality regions. Metropolitan standards are in general more stringent than rural standards. For example, hydrocarbon emission standards have been established for the metropolitan regions while none exist for the rural regions. This difference may encourage oil-related facilities to locate in rural areas. Just recently, the Federal Environmental Protection Agency ruled that the State must eliminate the disparity between rural and metropolitan air quality regulation.

When violations of air quality standards become apparent, the normal course of action is to negotiate a compliance schedule. Civil penalties are available ($10,000 per day for each offense). In addition, the Bureau car request a court injunction to halt the violation. Obtaining such an injunction, however, is generally quite difficult. The Compliance Division must prove that a health hazard exists. In three attempts to completely shut down an industry, the Compliance Division has been successful only once.

Noise emission standards, first issued in August, 1975, vary with time of day and type of land use zone (residential, commercial, industrial). No permitting system is used, nor is any surveillance program in effect. The Noise Regulation Program responds to complaints from individuals or local units of governments about noisy conditions. To date, no legal actions have been brought against violators. The stiff fines and extremely flexible variance system allowed by the regulations encourage compliance. When violations are detected, a schedule of compliance is negotiated. Whether or not the schedule is economically feasible is a decision of the individual attempting to comply. Vehicles, airports, boats, and pile driving equipment are exempt from noise standards.

Bureau of Community Health Protection

Within the Bureau of Community Health Protection the division of solid waste regulates three activities: siting of sanitary landfills and refuse disposal sites, handling and transfer of solid waste, disposal of sludge.

The activities of this division are particularly germane to oil-related facilities because OCS activity will create large amounts of solid waste requiring disposal. Potential sources include contaminated drill cuttings, contaminated pollution control material, and industrial waste from fabrication and pipe coating yards.

Although most applicants for refuse disposal permits are county and State agencies, the private sector may also apply.

Solid waste disposal sites must be consistent with county solid waste plans. State evaluation does not begin until local approval has been secured. The State approval process for sanitary landfills is long and complex, involving the Water Resources Administration, the Maryland Geological Survey and any other interested agencies. The State conducts an environmental suitability analysis to determine that the use of the site and the mode of operation pose no threat to public health and safety or water resources. Land use questions such as the effect of the landfill on neighboring land values are most properly resolved at the local level. For each site found acceptable to the State, up to four sites may have been considered and rejected.

The Division of Planning and Support Services reviews county water and sewer and solid waste disposal plans for technical accuracy, engineering standards, and legal sufficiency. These plans show the existing water and sewer system and project new utilities and facilities for the next decade. Plans are updated annually. All water, sewer, and solid waste permit actions must be consistent with the plans.

The Division of Water and Sewerage regulates community and individual water and sewer utilities. As with air and water quality regulations, the discretionary part of the permit process is in the planning. Water and sewer utilities must be consistent with county promulgated and State approved water and sewer plans.

Additions to existing water and sewer systems require a permit. Permits cannot be processed until the local government certifies that the addition is part of the approved water and sewer plan. In addition to ensuring consistency with the county plan, the permit is also used to ensure that the facility can actually operate at the permitted capacity. To this end, each application is subjected to an engineering design analysis.

Sewage treatment plants also require a construction permit. The review procedure is similar to that for water and sewer utility construction, but entails a more complex problem because the proposed treatment plant must first have a discharge permit from WRA. The main purpose of the construction permit is to ensure that the plant as designed will be capable of meeting the discharge standard. Review of a large treatment plant may take from six months to six years depending on the difficulty of the engineering problems to be resolved.

WRA discharge limitations may occasionally present a hardship to older, small treatment plants, because upgrading the equipment to meet the limitations may not be economically feasible. Smaller plants also find it difficult to retain the services of treatment plant operators. However, the State has initiated manpower training and financial assistance programs to alleviate these problems.

The Bureau of Community Health Protection also administers State and Federal sewer and water utility construction grants.

DEPARTMENT OF STATE PLANNING

The Department of State Planning coordinates the planning activities of State departments and local units of government, and advises the Governor and the General Assembly on planning matters. Its duties include:

- Coordination of plans and projects through the A-95 Clearinghouse;
- Review of the State's Capital Improvements Programs, and recommendations to the Governor on the Capital Budget;
- Technical and financial planning assistance to local governments and other State agencies;
- Preparation of the State Development Plan;
- Collecting and computerizing State land use and census data;
- Administration of the State Land Use Act which requires the designation of areas of critical State concern, and allows the Department of State Planning to intervene in land use decisions of greater than local concern.

The State Clearinghouse operates the Project Notification and Review System for the review of Federal development and assistance programs. Environmental impact statements, and certain specified State plans also are routed through the Clearinghouse. The State Clearinghouse provides a mechanism for coordination of projects with those agencies authorized to develop and enforce environmental standards and State and local civil rights laws. It provides a link between planning and implementation and affords applicants the opportunity to benefit from the functional expertise of other agencies in the development of their projects. The Clearinghouse has also provided advice and assistance to applicants on procedures for grant application and on ways to improve the quality of applications.

Under the provisions of Department of Treasury Circular No. 1082, the State Clearinghouse has also been designated as the State Central Information Reception Agency. As such, it publishes a monthly and annual report of grant-in-aid actions. It also catalogs State aid available to political subdivisions, private organizations and individual citizens and thus serves to enhance the State's management of its affairs by the integration of State and Federal grant information.

The DSP also is responsible for preparing the State's Annual Capital Budget and five year Capital Improvement Program. All proposed capital projects of State departments and agencies are analyzed and evaluated to determine those of greatest urgency and importance. All State capital expenditures for facilities such as parks, sewers, colleges, hospitals, institutions, and public schools must be approved through the capital budget process. If a major onshore facility locating in Maryland caused a need for the expenditure of State funds to provide facilities, DSP would have to review and approve the expenditure of those funds through the capital budget process.

DSP's Division of Regional and Local Planning assists in improving local government's planning capability and local planning coordination by providing a program of technical assistance. The Department has staffed seven regional field offices to assist local governments with their day-to-day problems as well as serving in a consulting capacity on long term planning or management projects.

The Department of State Planning prepares a State development plan, which recommends the most desirable pattern of land use within the State, improvements in major circulation patterns, the location of needed public and private works or facilities of more than local concern, and also identifies areas of critical State concern. The Department submits the State development plan to the Governor who then files it with the Secretary of State and transmits the plan to all other agencies of State government. The Plan provides guidance and advice, and presents a context for the conduct of State agencies' programs. One condition for the granting of a permit pursuant to the Coastal Facilities Review Act is that the facility must conform to the State Development Plan.

DSP's Research Program provides planning data and information to other divisions within the Department, other State agencies, local governments and the private sector.

The Research Program also coordinates census data retrieval within the State. Sets of social indicators and other arrays of socio-economic data serve as direct inputs into problem analyses and functional studies. An internally consistent set of socio-economic forecasts to identify development trends and to trace out the implications of alternative development plans or program options is maintained. Forecasts of population, employment by detailed industry sectors, components of personal income, household formation, and skill characteristics are included.

Finally, the Research Program is responsible for the preparation of annually updated electrical energy demand forecasts for the Maryland Power Plant Siting Program, the development of management information system components and a forecasting model relating to manpower needs for the State Department of Education and other concerned administrative units of government, and participation in the activities of River Basin Commission and Water Authorities.

The Maryland Automated Geographic Information (MAGI) System provides a computerized retrieval system for land use and socio-economic information. The MAGI data base contains the following information for capability/suitability analysis:

Natural Soil Groups	Transportation Facilities
Geology	Public Properties
Slope	Historic Sites
Mineral Resources	Existing Land Use
Aquifers	Watersheds
Surface Water Quality	Electoral Districts
Natural Features	County Comprehensive Plans
Vegetation	Transportation Network
Water and Sewer Service Areas	Urban Places and Characteristics

This information is computer cataloged in a geographic cell format spanning the State. Cell size is 90 acres, with a 4 acre cell size capability currently under development.

Guidelines prepared by DSP indicate the process local governments are to follow in determining areas of critical State concern. Critical areas are to be identified in the following three categories:

(a) Suitable for Preservation - areas where alteration stemming from human activity may result in adverse impacts on their inherent characteristics.

(b) Suitable for Conservation - areas where levels of human activity can be accommodated without resulting in adverse impacts on their inherent characteristics.

(c) Suitable for Utilization - areas where alterations through human activity can be accommodated and encouraged by the nature of the area.

Critical areas may range from fragile, ecologically sensitive natural areas to sites suitable for heavy development. Proposed oil related projects may conflict directly with areas Suitable for Preservation or may be compatible with areas Suitable for Utilization. In a listing of categories presented as a general checklist, the guidelines indicate prime industrial sites, marine terminals, and port facilities as potential areas of critical State concern.

Designation as an area of critical State concern does not establish any additional State regulatory authority. Rather, local governments are encouraged to use existing management techniques such as zoning, subdivision regulation, and acquisition to effect the purposes of the designation.

Chapter 291 of the Laws of Maryland assigns to DSP "...the right and authority to intervene in and become a party to any administrative, judicial, or other proceeding in this State concerning land use, development, or construction." This authority mandates the State's right to express its views on projects which involve more than local impacts and are of substantial State or regional interest in any legal proceedings in the State. While DSP may intervene have legal standing in such proceedings, it has no authority to veto or overrule local land use decisions.

Intervention may be accomplished in the following types of proceedings: zoning map amendments; special exceptions and variances; administration of subdivision regulations and other land use regulations; development or construction proceedings. The following general criteria have been established to determine when DSP will intervene:

- consistency with State plans and programs;
- impact upon major State facilities;
- interjurisdictional impacts;
- compatibility with local plans, regulations, enabling authority and judicial decisions;
- magnitude of results and impacts;
- substantial economic or environmental impact.

Current arrangements call for local jurisdictions to notify DSP of applications for zoning, permits, or authority to develop land. Local projects will be screened for potential impacts, first by regional State planners in the field, then through internal DSP procedures. If a determination is made to intervene in any proceeding, a detailed case is then prepared on the project. However, DSP has no authority to delay local proceedings and must evaluate projects and prepare its case within time limits established by the local land use regulations.

Intervention Regulations were first issued in October of 1975. The intervention process provides a means for coordinating the State's review of significant development projects, and an avenue for expression of the State's interest. One result of this process can be the incorporation of impact mitigating measures into the project.

DEPARTMENT OF TRANSPORTATION

The Maryland Port Administration

The Maryland Port Administration (MPA) has the authority to acquire, construct, improve and operate port facilities within the navigable waters of the State. The MPA also has the power, with the approval of local governments, to take land for port facilities. MPA develops and promotes existing port facilities in Baltimore and Cambridge, and issues permits for the dredging and filling of Baltimore Harbor.

The Main purpose of this Permit activity is to keep records on the amount, date, and conditions of dredging, filling or construction in the Harbor. The MPA relies on the Corps of Engineers to enforce its permit program. The MPA also is authorized to provide loans to any county or municipal corporation for port development.

Any local government that wishes to provide facilities for an onshore support base may solicit the aid of the MPA in planning and providing port facilities.

State Highway Administration

The Highway Access Division of the State Highway Administration issues permits to control the entrance of any commercial or industrial property onto any State highway. The objectives of this program are to maintain highway safety and to promote storm water management. If the proper engineering standards are adhered to, there is no grounds for denying a permit on a non-limited access road. Although there is little discretion in this process, consideration of the potential for traffic congestion, creation of hazardous conditions, or overuse of existing facilities may enter into the review of large projects, such as major industrial parks or new towns. In review of larger projects, the Department of State Planning often becomes involved in a review and advisory role. In addition, the Soil Conservation Districts and the Department of Natural Resources review the storm water and sediment control

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

The Department of Economic and Community Development (DECD) has four functions which contribute to the State's ability to deal with outer continental shelf development:

- Assisting Communities in obtaining federal economic and community development grants;
- Technical assistance to communities regarding for industrial development;
- Providing low and moderate income housing;
- Encouraging industries to site in the State.

The DECD is the state liaison agency with the federal Economic Development Administration. As such, the Department provides assistance to communities in finding sources of Federal funds, applying for Federal funds, to the extent possible expediting the application approval process, and in some cases, actually administering the EDA grants once received. The division of DECD involved in this process - The Division of Local and Regional Development - has four field staff personnel assigned on a regional basis. This field staff is responsible for putting local planners and community leaders in touch with funding experts in the Department.

The Department also provides technical assistance to communities for community development. Specialists in housing, economics, and community facilities can estimate the type of additional infrastructures required for various businesses, and give a rough cost benefit analysis. This service does not substitute for an indepth consultant study. The specialists can advise the community on whether such an indepth study should be undertaken, and the sources of information from similar studies.

The Department contains a Housing division responsible for administering state housing funds. The division is involved in the actual production of housing. Another division is responsible for promoting the expenditure of federal housing funds in the State.

A Division of Business and Industrial Development encourages business to develop in the state. The Division is involved in every aspect of site location and analysis. The Division would for example, find ways of funding a new community water system if an industry such as refinery required a water source greater than the community could presently provide. The Division has no follow-up activities once an industry has located, but does provide assistance to businesses which wish to expand and to businesses which are in financial difficulties.

DEPARTMENT OF LICENSING AND REGULATION

Fire Marshall

The State Fire Marshall maintains the State fire code which sets standards for building construction. The Fire Marshall also administers a permit system covering the following activities:

- Handling and storage of flammable liquids;
- Sale, distribution and installation of fire alarm systems and smoke detectors;
- Handling of explosives, ammunition, blasting agents or fireworkds;
- Sale, distribution and installation of fire extinguishers;
- Determination of Occupancy limits for public places of assembly.

As a service to builders, the fire marshall's office reviews building plans for compliance with the fire code. Because the Fire Marshall may deny occupancy to any structure that violates the Code, it is in the builder's interest to submit his plans to the Office for review. Many county building codes require fire marshall approval before granting a building permit.

PUBLIC SERVICE COMMISSION

The Public Service Commission regulates the activities of all privately owned public service companies engaged in or operating utility businesses in the State of Maryland. Article 78 of the Annotated Code of Maryland defines a gas company as "any public service company authorized to erect, lay down or maintain pipes for furnishing or distributing gas; any public service company which owns any gas plant and transmits, sells supplies or distributes artificial or natural gas or manufactures gas for distribution or sale; and every municipal corporation in the business of supplying gas for other than municipal purposes". Gas plant is defined as "any plant owned by gas companies including but not limited to boilers, buildings, meters, pipes, covers, etc".

The regulatory authority of the Commission extends to carriers of flammables, including any motor vehicle or common carriers which transports in bulk in tank vehicles any liquid which will give off flammable vapors at or below 300°F. A permit is required for any motor carrier engaged in this kind of activity. Permits are issued on the basis of public welfare and convenience, in addition to safety standards.

If a municipality, excluding Baltimore City, should build, maintain or operate, for other than municipal purposes, any plant for supplying gas, then a Certificate of Authority would be required from the Commission. Gas price regulation by PSC would undoubtedly have an impact on the potential location of gas-related facilities, but the PSC has no general authority to regulate the physical location of refineries and pipelines. Any transmission lines which would extend beyond the boundaries of Maryland would be regulated by the Federal Power Commission.

BOARD OF PUBLIC WORKS

The disposition of all state funds and state lands is the responsibility of the Board of Public Works. The Governor, Treasurer and Comptroller are the sole members of this Board. Based on recommendation from the Wetlands Division of the Water Resources Administration, the Board of Public Works issues licenses for the use of state wetlands. It also maintains a Consolidated Permits Office which tracks the progress of permit applications, and administers voluntary consolidated hearings procedures. These procedures are discussed in some detail in the final chapter of the Report.

GENERAL FINDINGS

The review of the wide array of State powers that may assist in guiding and managing the onshore impacts of offshore oil development, reveals that the State has many effective tools to control adverse impacts, but few positive incentives to spur planned and desired growth of oil-related facilities. Furthermore, the effectiveness of State powers could be enhanced by providing better coordination between permit programs to ensure that, for example, the State does not create new water quality problems by mitigating sources of air pollution. The need for coordination in permit programs is most apparent when large-scale projects, such as major oil-related facilities, are processed, because manpower and budget constraints limit the effort that busy agencies can devote to a single project.

Finally, the discretionary nature of many environmental quality permit programs complicates the task of evaluating the programs' effectiveness. Thus, it often is difficult to convince the citizens of the State that environmental regulations are being vigorously enforced. Better reporting of the many permit actions taken could improve this situation.

Given these general findings, the following specific State actions could improve the State's programs that relate to onshore impacts of offshore development:

- The State could encourage local governments to provide locations and plan early and wisely for oil-related facilities by providing State funds for such purposes.

- During the conduct of background research for this report, many local officials noted that they could provide better for the onshore needs of offshore oil activity if they had access to up-to-date information on industry activities in the region. The State could on a continuing basis, disseminate information on OCS activity to local governments.

- The State should implement a Coastal Zone Management Program whose mission, among other duties, would be to provide coordinated review of large projects thay may affect the coastal area. Such a coordination effort would alleviate the manpower and budget constraints that tie the capable hands of the established regulatory agencies.

- Permit coordination could also be enhanced by making the consolidated review process adminstered by the Board of Public Works mandatory for major projects.

- The State should keep comprehensive records of actions taken on discretionary environmental quality permits, in order to better demonstrate the scope and effectiveness of these programs.

These alternate State actions to better manage the onshore impacts of offshore development are discussed in detail in the final section of the Report.

THE ROLE OF MARYLAND'S LOCAL GOVERNMENTS IN MANAGING THE ONSHORE IMPACTS OF OFFSHORE RESOURCE DEVELOPMENT

While State programs regulate environmental quality and safeguard the public health, safety and general welfare, Maryland local governments exercise primary authority over the use of land. As recently as 1975, the State Legislature emphasized that this authority over land use also extends to the siting of oil-related facilities. "...The establishment of certain oil-related facilities in the coastal area may have an immediate impact on the environmental, economic, fiscal, social and cultural well-being of the people residing in the area where these facilities are established. Therefore, local concern should be reflected in making decisions as to location of these facilities and to that end, county governments should be actively involved in the planning for the coastal areas." (Coastal Facilities Review Act, Natural Resources Article, Section 6.502 et seq.).

Maryland is fortunate to have a straightforward system of local governments. With the exception of Baltimore City, local governments are either counties or municipalities. Because all counties and municipalities are legal instruments of the State, with powers delegated by the Legislature, the State retains the power to return to the State delegated authorities, such as local authority over land use.

There are 23 counties in Maryland. Baltimore City is an independent unit of government under the constitution, and functions much like a county. Although there are 150 smaller municipalities in the State, only 14 of them have more than 10,000 residents.

There are three types of county governments: non-charter, charter, and code. Non-charter counties have no legislative powers and must depend upon the General Assembly to enact public local laws. Any authorities specifically delegated to the county by the General Assembly are usually done so in the form of enabling legislation. Planning and zoning authority for charter

counties is authorized under the enabling legislation found in Article 66B, Annotated Code of Maryland. Non-charter counties in the coastal zone are: Calvert, Charles, St. Mary's, Caroline, Queen Anne's, Cecil, Dorchester, Somerset, and Worcester.

Charter counties operate a system of government and pass local laws. Charters may be granted by the State pursuant to Article XI of the State Constitution. Because charter counties have been cut free from State authority, they establish their own land use and planning regulations. Non-charter counties and municipalities must establish procedures contained in the Planning and Zoning Enabling Law, Article 66-B.

Most charter counties separate powers between the legislative branch, called the County Council, and the County Executive. However, two charter counties, Talbot and Wicomico, have not made this separation. Charter counties in the coastal zone are Anne Arundel, Baltimore, Harford, Prince George's, Talbot and Wicomico. Baltimore City's government is analogous to the charter county form.

The last form of county government is the code county. Unlike a charter county, a code county may obtain the power to enact local laws without going through the elaborate procedures necessary for the adoption of a charter. Code status can be accomplished by a two-thirds resolution of the board of county commissioners and affirmation of the action by majority vote at a referndum. Kent County is the only code county in the coastal zone.

Municipalities are a charter form of government with home rule powers. Authorized by the Constitution, municipal governments may pass local legislation. Like non-charter counties, however, planning and zoning authority is derived from Article 66-B. The incorporation of a municipality requires local initiative and approval of the relevant county governing body. Responsibility for incorporation rests with the counties.

Charter - cut free

Establish own land use

Anne Arundel
Baltimore
Prince George
Talbot
Harford
Worcester

Non-Charter - Art 66B guides planning & zoning authority to carry out the plan

Local Authority for planning and the adoption of ordinances in non-charter counties and municipalities is granted by the State under Article 66-B, "Local Planning and Zoning Authority". The Article empowers local units of government to establish planning commissions to develop and administer a comprehensive plan. The purpose of the plan is to achieve coordinated, harmonious development which promotes the health, safety, and general welfare of the public. Other purposes of the plan stated in the law include the conservation of natural resources, the prevention of environmental pollution, and the adequate provision of public utilities and other services. The planning commission is required to hold a public hearing before final action on the completed plan. Once the commission has approved the planning, it is transmitted to the local legislative body which must adopt it to give it legal effect. Public and private projects must then be certified by the planning commission as consistent with the plan before approval is granted. On certain items the local legislative body may overrule a decision by the planning commission by a vote of not less than 2/3 of its entire membership.

Included in the grant powers to local subdivisions is the authority to establish regulations to carry out the provisions of the plan, specifically zoning, subdivision regulations, and historic zoning. Under Article 66-B, regulations are required to be made "...in accordance with the plan". At least one public hearing is held before adoption of the regulations by the legislative body. Both the comprehensive plan and the regulations may be modified or amended. In the case of zoning regulations, Article 66-B states:

> "Where the purpose and effect of the proposed amendment is to change the zoning classification, the local legislative body shall make findings of fact in each specific case including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the planning commission, and the relationship of such proposed amendment to the jurisdiction's plan; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification."

Article 66-B also provides for a board of appeals, appointed by the local legislative body, to hear appeals due to error in administration, to hear and decide special exceptions to ordinances, and to authorize variances. The board may grant, deny, or modify an appeal. Arrangement is also made for private persons, public agencies and the local legislative body to appeal decisions of the board to the Circuit Court of the county, whose decision may then, in turn, be appealed to the Court of Special Appeals.

Terms commonly used in Maryland zoning ordinances include permitted uses, conditional uses, and special exceptions.

A permitted use is one which may be lawfully established in a particular district as long as it conforms to all the requirements, regulations, and standards of that district. A conditional use is one which because of its unique characteristics cannot be properly classified as a permitted use, and must be subject to approval under the terms outlined in the ordinance. Special exception means a grant of a specific use that would not be appropriate generally or without restriction and is based upon a finding that certain conditions governing special exceptions as detailed in the Zoning Ordinance exists, that the use conforms to the plan and is compatible with the existing neighborhood. In granting special exceptions, a zoning office or Board of Appeals may impose conditions, restrictions or regulations that will protect surrounding properties.

A subdivision is a division of any tract or parcel of land into two or more lots for the purpose of transfer of ownership or of building development. Subdivision regulations establish minimum standards for construction of a subdivision and require that the cost of public facilities be made a part of that development.

The planning commission has jurisdiction over the subdivision of land within its territory. Subdivisions regulations

> "...may provide for the adequate control of shore erosion; the control of sediment and the protection from flooding; the proper arrangement of streets in relation to other existing planned streets and to the master plan; the adequate and convenient placement of public school sites and of open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air and the avoidance of congestion of population, including minimum width and area of lots." (Article 66-B).

At least one public hearing must be held by the planning commission prior to approval of subdivision regulations and their final submission to the legislative body.

Powers to adopt historic zoning regulations are also granted to non-charter counties by Article 66-B. This process is parallel to that of establishing a conventional zoning ordinance.

A recent amendment to Article 66-B places added significance on the role of comprehensive plans in guiding land use. In non-charter counties and municipalities, zoning regulations must be made "in accordance with the plan." While there have been no cases testing this provision of Article 66-B, it appears that a community must have a plan prior to the adoption of the zoning ordinance and that the comprehensive plan will be the basis for the zoning map.

The remainder of this chapter reviews local plans and zoning ordinances, focusing on the treatment accorded to oil-related facilities.

BALTIMORE REGION

Anne Arundel County
(Population: 297,539)

The County recently has revised those sections of its zoning regulations that pertain to industrial uses. The regulations prohibit any type of petrochemical processing and storage. This includes, of course, refineries and gas plants. Intermediate production terminals and storage tank farms are not permitted because oil storage needs would exceed permitted capacities of one million gallons or more. Service or operations bases and fabrication and pipe coating yards may be permitted uses in light and heavy industrial districts. The uses are governed by performance standards criteria which relate to pollution control and safety. The regulations do not address pipelines. If viewed as a utility, they would probably be permitted; if not, they would be prohibited because their principal use (e.g., refinery) is prohibited.

Article XII of Anne Arundel County's zoning regulations require that a site plan review be carried out and approved for all development in Deferred Development Districts, Open Space Districts, Town Center Districts and Industrial Park Districts, as well as all uses permitted as special exceptions. In addition to the location and description of the site environs and proposed structures, site plans for proposed commercial or manufacturing uses shall include: "(a) Specific uses proposed. (b) Number of employees for which buildings are designed. (c) Type of power to be used for any manufacturing processes. (d) Type of wastes or by-products to be produced by any manufacturing process. (e) Proposed method of disposal of such wastes or by-products."

The County's subdivision regulations prohibit any kind of development in the one hundred-year floodplain. It states that "Lots shall not be platted within an existing or natural one hundred (100) year floodplain, tidal marsh or swamp." The zoning ordinance classifies land within the one hundred year floodplain as an open space district with limited and specific permitted uses, such as beaches, rights-of-way, existing residences and conservation. In addition to these restrictions, all lots in subdivision plats which are below the hurricane tidal level of the Chesapeake Bay and its tributaries shall have first floor elevations at least two feet above the hurricane tidal level.

Building permit procedures have been established for one and two family dwellings, multiple family dwellings, commercial and industrial buildings and grading and sediment control. These permits serve as a review for compliance with the zoning ordinance and check for possible drainage problems or other site limitations. Another regulatory mechanism for controlling soil erosion and sediment is the grading permit, required for any grading, stripping, excavating or filling of land, or creating borrow pits, spoil areas, quarries, material processing facilities or any other facility. A grading permit may be included as part of a building permit.

The County does not have any special procedure for assessing the impacts of a proposed development on the natural environment, on the community or on local government services. It relies on conformance with its zoning and subdivision regulations and its sediment control ordinance to ensure orderly and compatible development. Violation of any of these ordinances constitutes a misdemeanor, resulting in a fine of not more than one thousand dollars or imprisonment for not more than six months, or both. A separate offense results for each day the violation continues.

The Office of Planning and Zoning (OPZ), with a total staff of fifty persons, has overall responsibility for the comprehensive plan and the zoning and subdivision ordinances. Approximately eight staff members work on the development of the comprehensive plan which the various County operating departments then implement. OPZ utilizes three persons to plan and implement its zoning ordinance while six persons in a separate division of the office enforce the ordinance provisions. OPZ is also in charge of planning, implementing and enforcing its subdivision regulations, which includes site plan reviews. OPZ refers subdivision plans to other County agencies, as well as to an advisory committee, for their comments and/or recommendations. Based on these, OPZ then determines the basis for approval or disapproval of a proposed land subdivision. This responsibility involves approximately five staff persons.

In addition to these charges, OPZ works jointly with the Department of Public Works (DPW) on the development of the sewer and water plan, solid waste disposal plan and 201 facilities planning. DPW utilizes about eight persons out of a total staff of sixty-five to carry out these duties. It also implements the sewer and water plan, and both implements and enforces, with assistance from OPZ, the solid waste disposal plan.

The Department of Inspections and Permits (I & P), with a total staff of seventy persons administers the building and grading permits program. After it circulates applications to the appropriate County agencies for any necessary approvals, the department issues the required permit. Under certain conditions, I & P may schedule a plan review meeting, attended by representatives of each department involved in reporting deficiencies and the applicant and his or her representative as well, to hear the applicant's proposal and impose any necessary restrictions or changes.

Both I & P are involved in developing the sediment control ordinance. I & P then implements and enforces the ordinance, utilizing approximately six staff members.

The Zoning Hearing Officer is charged with the responsibility of conducting public hearings on petitions for changes or reclassifications of existing property uses. The Officer may grant variances from and make special exceptions to the zoning regulations, subject to the conditions set forth in those regulations. His or her decisions may be appealed through written notice to the County Board of Appeals within thirty days.

OPZ would draw upon its own staff resources to evaluate the siting of onshore OCS related facilities and their potential impacts. Other departments would be consulted and their review solicited, as appropriate.

Anne Arundel County does not have any special funds available to deal with possible increased demands on local agencies and processes resulting from OCS development.

Baltimore County
(Population: 621,077)*

Baltimore County is currently in the process of updating and refining its flood control program. A Flood Control Task Force is working on amendments to the subdivision regulations and has recommended certain control measures to comply with the National Flood Insurance Act.

The Manufacturing Heavy (MH) district in the County zoning ordinance permits the processing, fabricating and assembling of metals, including foundries, forging and casting shops, structural steel or pipe works, large stamping shops and the storage of inflammable liquids and gases underground. The facilities addressed in this study contain a number of subordinate uses, most of which are permitted within the framework of existing zoning regulations. A review of these uses indicates that almost all of them would be permitted within the MH district when located at least one thousand feet from any residential zone. Refineries, gas plants, storage tank farms, marine terminals would be permitted by special exception subject to the performance standards criteria established under the ordinance. Pipelines would be permitted by special exception in all zoning districts. There are some uses, such as warehousing and truck terminals, which may be permitted within the Manufacturing Light (ML) category. In addition, some associated uses not mentioned but obviously needed (e.g., airstrips, heliports, wireless transmitting and receiving structures) would require a special exception in both ML and MH zones.

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* 1970 Census figure.

Those uses requiring a special exception involve a public hearing by the Zoning Commissioner who considers all factors related to health, safety and general welfare of the community. Impacts on the natural environment, the community and governmental services would be considered at this time. Site plan reviews are required for all proposed developments. The County has expressed the feeling that procedures should be established for closely analyzing potential impacts so that results can be reported to the general public. This may require specific legislation through the Baltimore County Council.

The County ordinances have established penalties resulting in fines and/or imprisonment as deemed appropriate by the District Court. The County suggests that additional penalties and stricter regulations through the use of performance standards may be necessary if substantial OCS related development occurs.

The Baltimore County Office of Planning and Zoning has a Comprehensive Planning Division which is responsible for the comprehensive plan. The County Planning Board through this Division is involved with the 201 facilities planning, solid waste disposal plan and water and sewer plan in addition to working on the sediment control plan with the Soil Conservation District and the Department of Permits and Licenses. The Department of Public Works, Bureau of Engineering and the Health Department also interact in the administration of these plans. The Zoning Office, Health Department and Bureau of Engineering each have an enforcement division and the responsibility of enforcing their regulations.

As a matter of course, the various agencies are included in the processing of building permits. Each office has staff assigned to permit processing which totally involve approximately twenty to twenty-five persons. As to coordinative methods among these agencies, the County states that the Office of the Physical Growth Coordinator would be the most effective way to facilitate communication and resolve conflicts.

A number of County agencies including Planning and Zoning, the Bureau of Engineering, the Health Department and the Physical Growth Coordinator would be directly involved with the planning and siting of any OCS related facilities. Baltimore County is currently developing a Coastal Zone Management Program which, when completed, will make specific recommendations to the Planning Board and County Council. The County anticipates that these will contain an analysis of OCS impacts.

There are no special funds currently available to assist the planning and regulatory agencies in Baltimore County nor have additional funds been requested within individual work programs for the coming year.

City of Baltimore
(Population: 905,759)*

The City utilizes Special Flood Hazard Area maps released in June 1974 for delineating flood-prone areas. These areas are required to be shown on all subdivision plots. Subdividers must prove that a subdivision will not create flood or water conveyance problems for upstream or downstream property owners and the general public. The Department of Planning and the permit section of Housing and Community Development review all permits relative to their location within special flood hazard areas.

Regulations dealing specifically with OCS development related facilities do not exist under the City ordinances. Any facility would be required to proceed through the regular zoning and permit processes. Actions which must go through the Planning Commission require an open meeting.

The City maintains a standard review procedure for issuing building permits which requires review by specific City agencies. This includes a site plan review. Projects within an urban renewal area additionally must be consistent with the City's urban renewal plan. Major projects which come under the jurisdiction of NEPA must meet all of those requirements. Other major projects are evaluated on the basis of environmental and socioeconomic impacts; as well as impacts on City facilities and the City development program, by the Department of Planning and/or other involved agencies.

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* 1970 Census figure.

A comparison with similar uses permitted in the City zoning ordinance suggests that the OCS related facilities addressed in this study would be permitted as follows. Service or operations bases, fabrication and pipe coating yards, marine terminals, refineries, storage tank farms and gas plants may be permitted in the M3 industrial zone. Marine terminals would constitute a conditional use in the M2 zone. Storage tank farms may also be permitted in the M1 and M2 zones provided these facilities meet the established performance standards. Intermediate production terminals may be permitted in the M1 and M2 zones subject also to the established performance standards.

Penalties established for ordinance violations consist of the following: for the subdivision ordinance, a withdrawal of the permit; for the sediment control ordinance, a notice to correct the violation followed by a stop work order; and for the zoning ordinance, a violation notice followed by a stop work order with subsequent permit withdrawal.

The Planning Commission, aided by five staff persons, is responsible for the development and implementation of the comprehensive plan. Three staff persons from Planning combine with Housing and Community Development (HCD) and the Baltimore Metropolitan Zoning Administration to develop the zoning ordinance. HCD then inspects and enforces the ordinance while the Zoning Administrator reviews and amends it. With combined staffs of seven persons, HCD and Planning review all required site plans.

The subdivision ordinance comes under the purview of Planning. The Department of Public Works (DPW) gives assistance with regard to flood requirements. Planning cooperates with DPW and the Health Department in developing and implementing the sewer and water plan, 201 facilities planning, the solid waste disposal plan and the sediment control ordinance. HCD carries out inspection and enforcement functions for the sediment control ordinance with assistance from DPW.

The procedure for coordination is dependent upon the nature of a particular project. The primary or lead agency will function as coordinator and tap other agencies as required. Often the Mayor's Office, through the Physical Development Coordinator, will lead a project through the planning, siting and/or regulatory program as required.

Special skills available for evaluating OCS facility siting and their impacts include staff within the Environmental Planning and Economic Development Sections. Other sections and/or agencies are utilized according to the demands of the particular project. No special funds exist for evaluating OCS related impacts.

Harford County
(Population: 115,378)*

Harford County's comprehensive plan awaits adoption. Revised zoning and subdivision ordinances are scheduled for presentation before the County Council by January, 1977, to support the new comprehensive plan.

Under existing zoning regulations, all of the OCS related facilities addressed in this study would be permitted as a matter of interpretation. Service or operations bases may be permitted as light industrial uses. Fabrication and pipe coating yards, gas plants, intermediate production terminals and marine terminals may be permitted as heavy industrial uses. Refineries and storage tank farms are conditional uses in heavy industrial districts. Pipelines are conditional uses in all districts. Performance standards criteria have not been established for any uses set forth in the regulations.

There is some discretionary power involved in determining conditional uses. Otherwise, the zoning and subdivision regulations dictate the approval or disapproval of a proposed development. The penalty for violating the zoning and subdivision ordinances is a misdemeanor charge, with conviction resulting in a fine of up to one hundred dollars for each day that the violation occurs.

Flood-prone areas are required to be shown on subdivision plats. The County uses the one hundred year flood plain as the criterion for designating flood-prone areas. It is the County's administrative policy to restrict the subdivision of land which is subject to periodic flooding. A subdivision plat having poor drainage or otherwise adverse physical conditions, however, may be approved if the developer agrees to make the land "substantially safe."

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* 1970 Census figure.

Impacts of proposed developments are not evaluated in terms of any set procedure or standard. Neither is a site plan review required. Positive and negative benefits are determined through surficial agency review rather than indepth analysis.

The Department of Planning and Zoning is responsible for the comprehensive plan and zoning and subdivision ordinances. The Department is divided into two sections: Planning, with a staff of five persons, and Zoning, with a staff of three persons. These two sections work jointly to develop the above plans and regulations. The Zoning Administrator then enforces the ordinances.

The Department of Public Works develops and enforces the sewer and water plan, solid waste disposal plan and the sediment control ordinance. It is not known how many persons are actually involved with these plans nor how these plans are enforced.

One mechanism used to coordinate actions among the County agencies is a permit routing procedure in which appropriate agencies review and comment on submitted applications. There is also a Development Advisory Committee, composed of representatives from all departments, which specifically reviews land subdivision applications.

There are no special funds currently available for additional staff needs. A request for special appropriations would be made through the County Executive and approved by the County Council.

Local skills would be drawn upon for evaluating OCS impacts. These would include County planners and engineers and State air quality control officers.

Southern Maryland Region
Prince George's County
(Population: 660,567)*

Prince George's County passed new regulations effective January 2, 1976, regarding floodplain development. These regulations strengthen restrictions applied to development in the floodplain and are totally compatible with the National Flood Insurance Act.

The County zoning ordinance does not specifically provide for the type of oil-related facilities addressed in this study. Only petroleum refining is explicitly prohibited in industrial zones. Intermediate production terminals would probably be prohibited as well. Uses deemed by the District (County) Council as "noxious, offensive, or otherwise objectionable by reason of dust, fumes, gas, smoke, odor, noise, or violation or to be incompatible with the general development plan of the District" may also be prohibited. This seems to apply to gas plants. Only underground pipelines are permitted and these in the O-S, R-A, I-3, C-2, I-1 and I-2 zones. All other OCS related facilities may be permitted in the I-1 and I-2 Industrial Districts.

Socio-economic and physical impacts are assessed as part of the overall land use decision. The Office of Planning may require applicants to submit additional information it feels is necessary to adequately evaluate proposed developments. Site plan reviews are carried out for all developments. Additionally, the Department of Program Planning and Economic Development performs cost/benefit analysis on proposed developments.

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* 1970 Census figure.

The Prince George's County Planning Commission joins with the Montgomery County Planning Commission to form the Maryland National Capital Park and Planning Commission (MNCPPC). Both County Planning Commissions, however, maintain separate staffs. In fact, rapid development in both Counties during recent years has caused the MNCPPC to focus more on the needs of each County.

In any case, the Park and Planning Commission is responsible for developing and implementing the comprehensive plan for Prince George's County. The plan is officially approved by the County Council. The County's Office of Planning then administers its zoning and subdivision ordinances, with enforcement assistance from the County Department of Licenses and Permits.

The County Department of Program Planning and Economic Development is responsible for the preparation of the ten-year solid waste plan and ten-year water and sewerage plan for Prince George's County. Implementation and enforcement of the solid waste plan is primarily the function of the County Department of Public Works and Transportation, with selected activity assigned to the Park and Planning Commission. The ten-year water and sewerage plan is effectuated by the Washington Suburban Sanitary Commission (WSSC) which has the legal charge to provide water and sewer service in accord with County policy. The WSSC also carries out sewer facilities planning.

The Soil Conservation District is responsible for the development of a sediment control plan which is then implemented and enforced by the County Department of Licenses and Permits.

Communication between MNCPPC and the other County departments is both formal and informal, requiring daily contact. The MNCPPC is responsible for overall review, particularly in the areas of land use planning and transportation, environmental and economic impacts. The Department of Licenses and Permits enforces the County building code, as well as zoning and related regulations.

It is not unusual for the County Executive to request the Department of Program Planning and Economic Development to coordinate and monitor the activities of several other departments whose activities are centered on a particular location or project. A staff member, titled Special Projects Coordinator, specifically handles complex situations which the County Executive wants to progress expeditiously.

There are approximately 150 staff persons available from the Planning Commission, the Department of Licenses and Permits, the Fire Department, the Health Department and other agencies whose services could be utilized to review OCS related development plans. This aggregation of staff includes a water resources engineer, hydrologist, environmental scientist and environmental planner. Specific skills consist of soils interpretation, certain air and water quality impact analyses, certain noise impact analyses, water demand, sewage generation, certain geologic impacts, solid waste generation and groundwater pollution.

Special funds are not presently available to the County for providing additional assistance in OCS impact evaluations.

Calvert County
(Population: 20,682)*

Calvert County's zoning ordinance provides for a Floodplain District (F-1) with limited and specific permitted uses. However, the ordinance allows a property owner to use F-1 zoned land in a manner as permitted in adjoining districts provided he corrects the incidence of flooding. This exemption is counterbalanced by restrictions on filling imposed by the County's sediment control ordinance which generally prohibits almost all construction in the floodplain.

Subdivision regulations restrict development in the fifty-year floodplain to those uses allowed in the zoning ordinance. Development in flood-prone land may be permitted provided there is a twenty foot setback between the structure and usable land. Flood-prone areas, of course, are required to be shown on subdivision plats.

County regulations do not specifically address the planning and siting of OCS related facilities. The facilities addressed in this study can be interpreted as falling into two zoning districts -- Marine Commercial (C-3) and Light Industrial (I-1). Neither district provides for the heavier uses that are associated with these facilities.

Section 23.08 of the County Zoning ordinance empowers the County Commissioners to impose any additional restrictions, conditions and limitations as may be deemed appropriate to preserve, improve or protect the general character and design of the land and improvements. The County subdivision regulations also contain safeguards against incompatible uses in subdivisions other than residential by requiring subdividers to demonstrate to the Planning Commission that street, parcel and block patterns have been specifically adapted to the uses anticipated and have taken into account existing and proposed uses in the vicinity.

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* 1970 Census figure.

The penalties established for violating the County's ordinances are as follows: for the zoning ordinance, a fine of not more than one hundred dollars, thirty days imprisonment or both; for the subdivision ordinance, a fine of not more than one hundred dollars, ten days imprisonment or both; and for the sediment control ordinance, a fine not exceeding five thousand dollars or one year imprisonment for each and every violation.

Calvert County does not have a formal process for evaluating impacts of proposed developments on physical and community environments. Impacts are considered during a public hearing if a proposed development requires rezoning. Permitted uses, however, do not proceed through any evaluation process but are issued directly.

The Planning Commission is responsible for preparing revisions of the general plans of the County, such as the comprehensive plan and sewer and water plan, and the County zoning ordinance. Public hearings are conducted prior to adoption of any revisions by the County Commissioners. The Zoning Inspector and the Department of Inspection and Permits are responsible for implementing the zoning ordinance, as well as the building code, plumbing code and electrical code. The Planning Office administers the County subdivision regulations.

The County Engineer is in charge of the sediment control ordinance which is the basis for issuance of grading permits. The Department of Inspections and Permits oversees various stages of work covered by a grading permit application and, upon work completion, forwards a report to the Calvert Soil Conservation District.

The County Health Department is responsible for the solid waste plan and any environmental health-related matters.

Generally, coordination among governmental agencies is achieved through the primary agency which contacts all other appropriate parties.

The County departmental staffs are basically oriented toward rural and suburban development rather than large-scale developments. Some experience regarding rapid development has been gained through the BG&E Nuclear Power Plant and the Columbia LNG Plant development.

Special funds are not presently available to provide additional assistance in evaluating potential OCS impacts.

Charles County
(Population: 47,678)*

The County subdivision regulations contain a floodplain identification procedure for regulating and approving the location of uses in the floodplain. Identification is required to be performed by the developer's engineer. In addition, the County has established criteria identical to those of Calvert County for determining whether or not Special Construction Standards are required.

The zoning ordinance has been interpreted as permitting by special exception all of the facilities addressed in this study in the industrial district. Pipelines may be permitted in all zoning districts.

Questions pertaining to specific uses are defined and clarified by the Planning Commission. The actual granting of special exceptions is under the purview of the Board of Appeals. The Board conducts a public hearing wherein any adverse impacts, as well as compatibility with existing uses, are considered before approving a use as a special exception.

There is no formal procedure for analyzing impacts other than during the hearing process. Applicants may be required, prior to receiving any zoning permits, to provide studies or data prepared by a professional consultant on economic and/or environmental impacts.

Violation of the zoning and sediment control ordinances results in a fine of up to one hundred dollars each day the offense occurs. The penalty for violating the subdivision ordinance is an invalidated deed.

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* 1970 Census figure.

The Offices of Planning and Zoning and County Commissioners are responsible for all plans including sewer and water, 201 facilities and comprehensive, as well as the implementation of these plans. The Zoning Administrator, the County Engineer and the Plumbing and Building Inspectors are in charge of enforcing their appropriate County ordinances. The administrative procedure for coordinating agency actions consists of circulating permit applications to individual departments for approval.

Inhouse capabilities would be utilized to evaluate potential CCS impacts. As mentioned previously, the applicant could be called upon to provide additional studies at his own expense. The BOCA Building Code used by the County also provides a reference service to assist counties in answering difficult technical questions.

Special funds for meeting additional staff needs or for obtaining consultant services are not currently available. A request would have to be made to the County Commissioners.

St. Mary's County
(Population: 47,388)*

The County requires the submission of topographic maps to determine if a proposed development is situated in a flood-prone area. The zoning ordinance defines a flood area as "that continuous land area adjacent to a water course, whose elevation is equivalent to, or below, the flood base elevation." Uses are restricted in these areas unless corrective measures can be applied. First floor levels of buildings must be elevated two feet above the floodplain.

Pursuant to the facilities addressed in this study, the County Zoning ordinance permits light industrial facilities but prohibits such oil processing facilities as refineries, gas plants and intermediate production terminals. Pipelines are also prohibited in industrial zoning districts, even though they may be permitted in residential and commercial zones under certain performance standards criteria. Service or operations bases, fabrication and pipe coating yards, storage tank farms and marine terminals may be permitted uses in the I-1 industrial zone. These permitted uses are all subject to environmental quality performance standards criteria set forth in the zoning ordinance.

Although no formal mechanism exists for evaluating potential impacts on the natural environment, the community and governmental services, the County can require impact studies from applicants as conditions to the permit approval process. Site plan reviews are required to be carried out by applicants for all proposed developments. These are reviewed by the Department of Land Use and Development, a Technical Evaluation Committee, the Planning Commission and County Commissioners. The Technical Evaluation Committee which consists of representatives from all County departments as well as selected Federal, State and regional agencies assesses all subdivision plats, site plans, rezoning cases and other similar matters.

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* 1970 Census figure.

The penalty established for violating the zoning, subdivision and sediment control ordinances is a fine between two hundred and one thousand dollars for each time a violation occurs.

St. Mary's County has a very well structured and effective regulatory agency in the Department of Land Use and Development (LUD). This agency coordinates the comprehensive plan and the siting and regulatory programs. While each County agency is specifically responsible for its own code enforcement, LUD acts as the lead agency in coordinating enforcement efforts.

Two persons from LUD and one person from the Planning Commission jointly develop the County's comprehensive plan. LUD then utilizes five staff persons to regulate the plan through zoning and subdivision ordinances. The sediment control ordinance is developed, implemented and enforced by LUD, the Soil Conservation Service and the County Engineer. Solid waste and sewer and water plans are the responsibility of LUD, the Health Department, the County Engineer and the Planning Commission. Again, LUD serves as the lead agency for plan development, implementation and enforcement.

The Metropolitan Commission is in charge of 201 facilities planning.

The County has no specific program to provide additional skills or funds to local planning and regulatory efforts. Special funds, appropriated from the general budget, would need the approval of the County Commissioners.

Upper Eastern Shore Region
Caroline County
(Population: 19,781)*

Predominantly an agricultural area, Caroline County has very little land currently zoned for industrial use. In fact, industrial build-up has been extremely light in past years.

It is the County's administrative policy to prohibit development of land subject to periodic flooding unless the developer agrees to make the land safe for its intended use. Flood-prone areas are required to be shown on subdivision plats.

The County does not have any regulations that specifically address the planning and siting of OCS related facilities. All of the facilities addressed in the study are interpreted as being permitted uses in light and heavy industrial districts. However, refineries, gas plants, intermediate production terminals, storage tank farms and marine terminals would be permitted by special exception, after public hearing and review to ensure protection of the public interest and surrounding property and persons. The Board of Appeals is responsible for determining special exceptions and imposing any necessary safeguards.

A building permit, issued by the Building Inspector, is required before any building can be erected, constructed, altered, moved, converted, extended or enlarged. All applications for building permits shall be submitted with a plat or drawing indicating the proposed use of all lands and buildings. Applications are then evaluated in view of the regulations set forth in the zoning ordinance. The County does not have a building code.

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* 1970 Census figure.

Violation of the zoning ordinance is a misdemeanor offense resulting in a fine of not more than one hundred dollars. Each day of such violation constitutes a separate offense.

There are no existing procedures or standards for evaluating impacts on the natural environment, on the social and economic structure of the communities, or on required governmental services.

The County Planning Department is responsible for the comprehensive plan, zoning and subdivision ordinances and all physical plans. Staff consists of two planners and one enforcer. The Building Inspector enforces the zoning and subdivision ordinances.

There are no special skills available for assisting with the evaluation of OCS related facility siting and potential impacts. Neither does any mechanism exist for obtaining special funds to finance additional staff needs except through the normal budgeting process. The Planning Department has expressed interest in amending local zoning laws to require industries to finance environmental impact studies.

Cecil County
(Population: 53,291)*

Cecil County recently adopted a new comprehensive plan and is beginning to revise its zoning ordinance in accordance with the plan.

The existing zoning ordinance restricts land use within an expressly delineated flood zone. Farms, parks and conservation areas are permitted in the floodway zone while residential development and other uses which "unduly increase flood heights" are prohibited. Flood-prone areas are also required to be shown on subdivision plats. Only a small portion of the County's flood-prone areas, however, is included in the flood zone.

The County does not have any regulations which specifically address the planning and siting of OCS related facilities. Thus, the facilities with which this study is concerned are interpretations of the uses described in the zoning ordinance. All the OCS related facilities may be permitted uses in the heavy industrial zoning district, with refineries, gas plants, intermediate production terminals, storage tank farms, marine terminals and pipelines being permitted by special exception.

No performance standards criteria have been established for operations of these types. The Board of Appeals would determine whether or not a proposed use would be acceptable with surrounding and inherent uses. There is no formal procedure for evaluating impacts of a large-scale development on the natural and community environment. Although it has been suggested that the County amend its zoning ordinance to provide for the development of an environmental impact statement, this has not yet been done.

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* 1970 Census figure.

Any construction, except for public utility lines and incidental equipment, requires a zoning certificate. Site plans are required from applicants in order to receive zoning certificates. Construction must begin within one year of the date of issuance.

The Planning Department is responsible for the development and implementation of the County comprehensive plan, while the Department of Public Works handles all physical plans (e.g., sewer and water, 201 facilities). The staff of the Planning Department consists of two planners and one zoning and subdivision enforcer.

Local skills would be drawn upon to evaluate OCS related impacts. There is no mechanism available for providing special funds except through the normal budgeting process.

Kent County
(Population: 16,146)*

Similar to the other counties situated in the Upper Shore Region, Kent County utilizes a large portion of its land resources for agriculture. Flood-prone areas are required to be delineated on subdivision plats and any land subject to periodic flooding will not be approved for residential occupancy. If, however, land can be shown to be reasonably safe from flooding or if the subdivider agrees to make land acceptable for development, then the Zoning Administrator may approve the necessary permits.

A building permit is required to be issued by the Zoning Administrator before any construction of a building or structure takes place.

No formal procedures exist for measuring impacts of a proposed use. Uses which are considered potentially hazardous are referred to the Board of Appeals for decision after a public hearing. Potential impacts are evaluated at this time by the Board. The Board may impose any conditions and restrictions upon the location, construction and maintenance of an operation to reduce any adverse effects on surrounding areas.

The heavy industrial district (HI-1) in the County zoning ordinance lists as hazardous uses petroleum, gasoline and lubricating oil, wholesale storage or by-products processing but not refining. Conditional uses may be authorized by the Board of Appeals for such hazardous uses, with consideration given to the following:

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* 1970 Census figure.

"1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
2. Traffic conditions including the resulting traffic patterns;
3. The nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
4. The proximity of dwellings, churches, schools, public structures, and other places of public gathering;
5. The probable effect of the proposed use upon the peaceful enjoyment of people in their homes;
6. Facilities for sewers, water, schools, transportation, and other services, and the ability of the County to supply such services;
7. The limitations of fire-fighting and rescue equipment, and the means of access for fire and police protection;
8. The preservation of cultural and historic landmarks and trees;
9. The probable effect of noise, vibration, smoke and particulate matter, toxic matter, odorous matter, fire and explosion hazards, or glare upon the uses of surrounding properties; and
10. The purpose and intent of this Ordinance as set forth in Article 2;
11. The most appropriate use of land and structure;
12. The conservation of property values;
13. The contribution, if any, such proposed use, building or addition would make toward the deterioriation of areas and neighborhoods."*

Approval of a conditional use shall be valid for a period of one year after the date of approval. Permits issued under a conditional use approval may be revoked by the Zoning Administrator for failure to comply with the conditions of approval or applicable regulations.

Since Kent County does not have any regulations which specifically apply to the planning and siting of OCS related facilities, such facilities addressed in this study are a matter of interpretation under the existing zoning ordinance. Given the above stipulations, intermediate production terminals and storage tank farms may be permitted in the HI-1 industrial zone as conditional uses. Marine terminals and pipelines may be permitted by special exception under the same zone, although pipelines may be included in all zoning districts. Refineries and gas plants are considered prohibited uses. Finally, service or operations bases and fabrication and pipe coating yards may be permitted in the LI-1 light industrial district or the HI-1 district depending on interpretation.

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* Article 10, Section 2, Kent County Zoning Ordinance, January 7, 1975.

The penalty established for violating any provision of the zoning ordinance consists of a fine of not more than one hundred dollars. Each day the violation exists constitutes a separate offense.

The Planning Department, with a staff of three persons, is responsible for the development and implementation of the County comprehensive plan and the related ordinances. The Zoning Administrator enforces all ordinances. The department works jointly with the Soil Conservation District on the sediment control plan.

The Sanitary Commission is in charge of all sewerage planning and implementation. This includes 201 facilities planning and solid waste disposal in addition to sewer and water planning.

Actions between the two agencies are not coordinated on a formal basis.

No special skills, other than inhouse capabilities, are available to the planning agencies for evaluating OCS facility siting or related impacts in Kent County.

There is no mechanism for obtaining special funds except through the normal budgeting process.

Queen Anne's County
(Population: 18,422)*

The Queen Anne's County Comprehensive Zoning Ordinance restricts building in any area subject to periodic flooding by stream, lake or other body of water. Building is prohibited at an elevation less than five feet above mean sea level.

The zoning ordinance establishes performance standards criteria for all uses in the M-2 General Industrial District. The facilities addressed in this study would fall under this zoning category and thus, would be subject to the requirements set forth in the ordinance.

The ordinance seems to distinguish between inflammable liquids refining and petroleum refining. Any gas generation or refining and processing of petroleum or coal tar products is prohibited. This would include, then, refineries and intermediate production terminals. The processing and refining of liquid natural gas, however, may be permitted. Inflammable liquid storage is permitted underground. Inflammable liquid storage above ground which is in excess of 40,000 gallons would require a conditional use authorization by the County Board of Appeals.

Service or operations bases and storage tank farms may be permitted by special exception in the M-2 zone. Pipelines may be permitted in the M-2 zone but would be a special exception in all other zoning districts.

Construction is prohibited in Queen Anne's County until an application for a zoning certificate is made and a building permit is issued. The zoning certificate is not issued until all other necessary certificates have been made by the County Health Officer, County Roads Engineer or State Roads Commission District Engineers. The County also utilizes the assistance of

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* 1970 Census figure.

a Subdivision Technical Advisory Committee (STAC) to review subdivision applications, as well as other appropriate matters.

There is no formal procedure for evaluating impacts of proposed developments, particularly large scale, on the physical and community environments. As with Cecil County, it has been suggested that Queen Anne's County amend its zoning ordinance to provide or require environmental impact statements for any large-scale development. To date, no such requirement has been added to the ordinance.

Violation of the zoning and sediment control ordinance results in a fine of one hundred dollars or thirty days imprisonment. Violation of the subdivision ordinance results in an invalidated deed and a two thousand dollar fine per lot.

The Planning and Zoning Department, which has a staff of six persons (including two temporary positions), is responsible for the development, implementation and enforcement of the comprehensive plan and zoning and subdivision ordinances. The Public Works Department, divided into Water and Sewerage and Solid Waste, is in charge of all physical plans. This includes the regulation of sewer and water lines and onsite septic tank systems. The County employs a Sediment Control Administrator to enforce its sediment control ordinance. There is a County Roads Department and Health Department as well.

The County budget includes a special item for impact studies totaling twenty-five hundred dollars. The County is beginning to consider the adequacy of this amount to provide sufficient information, as well as other means of providing assistance to local planning and regulatory staffs.

No special skills, other than inhouse capabilities, are available for evaluating OCS related facility sites or their potential impacts.

Talbot County
(Population: 23,682)*

The comprehensive plan for Talbot County calls for slow, controlled growth of light or nonpolluting industries. The zoning ordinance carries out this goal by establishing performance standards criteria to assure low polluting levels.

Very little land in the County is zoned industrial or commercial and most of this is already developed. In addition, zoning regulations restrict areas susceptible to flood damage within each zoning district. These areas, called non-delineated floodplain zones, are based on technical data which uses the fifty-year floodplain as a criterion. They are then superimposed onto a conventional zoning plan. The Planning Officer is empowered with the authority to deny the subdivision of land which is flood prone, unstable or has poor drainage. Such areas are also required to be shown on subdivision plats.

Service or operations bases, fabrication and pipe coating yards, refineries, gas plants and intermediate production terminals may be permitted in the M-industrial zone, provided that they "do not create unfavorable or offensive conditions such as excessive noise, vibration, dust, smoke, odor or glare" and that they "would not tend to bring about significant levels of environmental pollution." Storage tank farms may be permitted by special exception in the same zone. Special exception criteria, outlined in the ordinance, state that the Board of Appeals may grant a special exception only when the proposed use:

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* 1970 Census figure.

"1) will be consistent with the general plan of the physical development of the county; 2) will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, number of similar uses; 3) will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or surrounding neighborhood; and will cause no objectionable noise, vibration, fumes, odors, dust, glare of physical activity; 4) will have no detrimental effects on vehicular or pedestrian traffic; 5) will not adversely affect the health, safety, security or general welfare, of workers or visitors in the area; 6) will not, in conjunction with existing development in the area and development permitted under existing zoning, including schools, police and fire protection; medical facilities; water, sanitary sewer, public roads, storm sewers, drainage and other public improvements; 7) and meets the definitions and specific standards set forth elsewhere in this chapter for such use."*

The range of discretion allowed for granting special exceptions rests with the Board of Appeals, operating within the above confines.

Marine terminals may be permitted in the C-commercial zone and V-1 village zone. Pipelines would be permitted as utilities either by an essential services exemption or by special exception in any zone.

Permitted uses, unless specifically stipulated, are issued quite directly and do not go through any additional evaluation process.

The County sewer and water plan further affects the onshore planning and siting of OCS related facilities. The existing plan does not provide for any new major users of water.

Applicants of proposed developments, which exceed that allowed in the County, are required to submit a detailed environmental impact statement to the County Planning and Public Works Department. The Planning Officer may additionally require any applicant to include such information as may be necessary to determine conformance with the zoning ordinance.

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* Section 27.02(5), Talbot County Zoning Ordinance.

The Planning Department and the Public Works Department operate as one agency in Talbot County. Staff consists of one person as both Planner and Engineer, one Zoning Administrator, one Plumbing Inspector and two assistants (secretaries) to cover all planning and regulatory programs. There are no specific methods for coordination since one office plans, implements and enforces all programs.

Corresponding to the other counties in the Upper Shore Region, Talbot does not have accessibility to any special skills, except those available locally, or funds to provide assistance in evaluating OCS related impacts. Funds would be requested through the normal budgeting process, and availability would depend on the degree of threat to the County.

Lower Eastern Shore Region
Dorchester County
(Population: 29,405)*

Dorchester County has very little land with water access zoned for industrial use. Oil related uses, such as those addressed in this study, are not specifically identified in the zoning ordinance, but rather, are subject to the interpretation of the Zoning Inspector. Service or operations bases and pipe coating yards may be permitted uses in the I-2 industrial zoning district. Storage tank farms may be permitted by special exception in the same district. Fabrication yards, refineries, gas plants, intermediate production terminals and marine terminals are prohibited. Pipelines may be permitted by special exception as utility structures in all zoning districts.

The County maintains a site plan review process for multi-family development, planned unit development, shopping centers, planned industrial parks, solid waste disposal, junk and salvage yards, and airfields. These site plans are reviewed by the planning staff, approved by the Planning Commission and presented to the Board of Appeals before the Board allows the use to be established. Limited impact analysis is also required for special exceptions. The analysis is prepared by the applicant and reviewed by planning staff, the Planning Commission and Board of Appeals. A Citizen's Task Force Review Committee is often called upon to review certain site plans, as would be the case for oil-related industries and facilities.

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* 1970 Census figure.

Penalties for violating the zoning ordinance include a fine of up to one hundred dollars or up to thirty days imprisonment for each violation, or revocation of a special exception permit. Each day a violation occurs constitutes a separate offense. Violation of the sediment control ordinance carries a fine of up to five thousand dollars for each violation.

Flood control policies are enforced by refusal to issue a building permit. Flood-prone areas are required to be shown on subdivision plats in addition to the submission of topographic maps. Land subject to flooding or deemed topographically unsuitable is to be set aside for uses not endangered by flooding, provided that adequate safeguards are taken to eliminate any hazards. The County does not have a building code.

Responsibility for development and implementation of the comprehensive plan and zoning and subdivision ordinances falls under the purview of the County Planning Department. The Department has a staff of six persons including the Zoning Inspector. The Zoning Inspector enforces the zoning and subdivision ordinances and the sediment control ordinance with assistance from the Roads Board and the Soil Conservation District.

There is no public works department in the County. Various agencies handle portions of what is normally conducted in traditional public works departments. The Roads Board Engineer is in charge of solid waste matters and maintaining County roads. In addition, this person is a key participant in sediment control, civil defense and subdivision plat reviews. The Sanitary Commission, utilizing two staff persons, is responsible for the sewer and water plan and 201 facilities planning.

There is no formal coordination among these departments except through normal permit review procedure.

The County does not have any special funds available to deal with possible increased demands on local agencies and processes resulting from OCS development. The Planning Department would first utilize its local resources before approaching State agencies, such as State Planning, or personnel from the University of Maryland Estuarine Studies Program at Horn's Point.

Somerset County
(Population: 18,924)*

Somerset County is currently developing a subdivision ordinance. There is no building code in effect. Specific floodplain requirements are being proposed to strengthen the County's administrative policy of restricting hazardous uses in wetland areas.

The zoning ordinance specifically identifies oil-related industries as permitted uses by special exception in the I-2 industrial zoning district, "provided that sufficient environmental safeguards are assured to minimize the adverse effects that such installations might have on the surrounding areas." The ordinance sets forth general performance standards criteria for the Board of Appeals to follow in granting special exceptions, to safeguard against inadequacies of public facilities in servicing the area, undue traffic hazards resulting from congestion, and adverse environmental effects such as smoke, odor, noise and improper drainage.

The penalty for violating the zoning ordinance is a fine of up to one hundred dollars or thirty days imprisonment. The sediment control ordinance carries a penalty of a fine up to one thousand dollars or six months in jail.

The County does not evaluate impacts of large-scale developments, in particular, for uses permitted both inherently and as special exceptions. Neither is a site plan review required for any type of development.

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* 1970 Census figure.

The Planning Department, with a staff of three persons, is responsible for the comprehensive plan and zoning ordinance, as well as the development of a subdivision ordinance. Zoning regulations are enforced by one Zoning Inspector included in the Department staff. The Department also develops and implements a sediment control ordinance which the Zoning Inspector enforces with technical assistance from the Somerset Soil Conservation District.

An engineer in the County Commissioner's Office and the County Sanitary Commission jointly work on the sewer and water plan which is then implemented by the County Sanitary District. To ensure that development is compatible with the plan, all building permits require the approval of the County Health Department. If approved, the zoning inspector can then issue a permit.

No mechanisms for coordination exist among these agencies except through the normal permit routing process.

The County would utilize the skills of its local personnel to assist in evaluating potential OCS impacts. No special funds are available to obtain special assistance in meeting extraordinary demands caused by OCS development. A special request would be made to the County Commissioners.

Wicomico County
(Population: 54,236)*

There is currently little land with water access zoned for industrial use in Wicomico County. Industrial uses may be permitted by special exception, however, in the agricultural zone on sites of five acres or more. The County is interested in selective recruitment of office and service uses associated with the oil industry. Local economic specialists have already visited corporate offices of oil firms in an effort to encourage them to locate regional offices in the area.

With the exception of refineries and gas plants, most oil-related activities are not specifically addressed in the County's zoning ordinance. The facilities with which this study is concerned may be permitted in the County's industrial and agricultural zones as special exceptions. Special exceptions may be granted when the Planning Commission determines through testimony received at a public hearing that:

"1. The proposed use does not adversely affect the General Plan for the physical development of the district, or portion thereof, as adopted by the Planning Commission; and
2. The proposed use will not adversely affect the health, safety, and general welfare of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
3. The standards set forth for each particular use for which a special exception may be granted have been met.
4. Where a use district boundary line crosses a lot, a use of either classification may be permitted on the whole lot.
5. The proposed use has been so designed to minimize possible adverse effects on the surrounding area."* *

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* 1970 Census figure.

* * Section 33 of the Wicomico County Zoning Ordinance.

Decision appeals may be made to the County Board of Appeals.

No local ordinances require an impact analysis of large-scale developments permitted as inherent uses. Analyses of environmental impacts and revenue-expenditure impacts, however, are required for all special exceptions. This would include, of course, all oil related uses. Applicants are required to submit an environment impact statement. The planning staff, itself, does not carry out any impact analysis.

The County has established the following penalties to uphold its ordinances. A violation of the zoning ordinance results in a fine between twenty-five and one hundred dollars for each offense. Violation of the subdivision regulations results in an invalidated deed.

It is the administrative policy of the County to restrict building in areas subject to periodic flooding. The Comprehensive Plan will provide for a conservation category of land use that includes swamp and marsh not in the path of urban expansion.

The Departments of Planning and Public Works share responsibilities for development and administration of County plans and regulations. Public Works is in charge of enforcement with assistance from the Health Department, in the case of the sewer and water plan, and from the Soil Conservation District, in the case of the sediment control ordinance. The Department of Public Works is also in charge of 201 facilities planning, the solid waste disposal plan and the sediment control ordinance. Staff consists of three engineers, one engineering assistant, three building inspectors and one zoning inspector.

The Planning Department, with a staff of eight persons, develops the comprehensive plan and zoning and subdivision ordinances. It shares zoning implementation duties with Public Works. Thw two departments also work together in the development of the sewer and water plan.

Special skills available in the County include an economic specialist, a transportation specialist and five engineers. There are no special funds currently available for assisting in extraordinary demands imposed by onshore impacts of OCS exploration and development.

City of Salisbury

In 1968, the City Council of Salisbury established through rezoning a planned industrial park development and district, a light industrial district and a commercial district. Ordinance No. 991 sets forth the requirements for permitted uses within these districts. A site plan review is required to be carried out for each use desiring to locate in the industrial park district. Plans are reviewed by the Planning Director, Public Works Director and Building Inspector to ensure conformance with the overall scheme and objectives outlined for the area. No building permit is issued which violates the approved plan.

While no City codes specifically address the planning and siting of OCS related facilities, the following observations can still be made through comparison with similar uses. Service or operations bases and fabrication yards may be permitted uses in the industrial, industrial park and commercial districts. Storage tank farms and marine terminals may also be permitted uses in the industrial zoning district. Pipe coating yards and gas plants may be permitted as conditional uses in the industrial and industrial peak districts. All uses which are permitted in the industrial park must comply with the performance standards criteria set forth in the zoning ordinance. Refineries and intermediate production terminals are not permitted. It is not clear at this time how the City would view pipelines under its existing zoning ordinance.

The following penalties have been established for violating the City ordinances. The zoning ordinance requires a fine between twenty-five and one-hundred dollars for each day the violation occurs. Non-payment of the fine results in a ninety day jail sentence. The sediment control ordinance requires a fine of up to five thousand dollars or one year imprisonment for each offense. Violation of the subdivision ordinance results in an invalidated deed. Finally, a building permit will not be issued or will be cancelled if the sewer and water plan is violated.

Salisbury does not have any special procedure for assessing the impacts of proposed developments on the natural environment, the community or governmental services. Instead, it relies on its zoning and other ordinances to regulate development within its corporate limits.

The Planning Department, working directly under the Planning Commission, is responsible for developing and implementing the comprehensive plan and, with assistance of the Bureau of Inspections, the zoning and subdivision ordinances. The Inspection Bureau, with a staff of seven persons, enforces the provisions of these ordinances, as well as the building, electrical, gas and plumbing codes. The subdivision ordinance actually requires a joint review by the Building Inspector (of the Bureau), Planning Department and Public Works Department staffs. The sediment control ordinance is also enforced by the Bureau of Inspections with technical assistance from the Soil Conservation Service.

The Department of Public Works is responsible for developing and implementing the sewer and water plan and solid waste disposal plan. The Bureau of Inspections then enforces these plans.

There are no special funds available to the City of Salisbury for dealing with potential OCS related impacts. The operating departments would have to approach the City Council in order to obtain additional funding.

No special skills are available, other than the City engineers and local planners, to assist in evaluating OCS related facility sites or their impacts.

Worcester County
(Population: 24,442)*

Due to its location on the Atlantic Ocean, Worcester County has established special regulations in its building code for construction in areas subject to flooding and erosion from ocean water. The regulations are concerned with elevation requirements and support foundations. Additionally, as with all the counties on the Lower Eastern Shore, Worcester has an administrative policy of restricting hazardous uses in wetland areas.

The County ordinances do not specifically address the planning and siting of OCS related facilities. Those facilities addressed in this study have been interpreted as being permitted or conditional uses subject to performance standards criteria set forth in the zoning ordinance. The criteria constitute a consideration of the following:

> "(a) The purpose, application, interpretation, and standards of these regulations as set forth in Articles 1 and 2.
> (b) Decisions of the Circuit Court for Worcester County and the Court of Appeals of Maryland.
> (c) The orderly growth and improvement of the neighborhood and community.
> (d) The most appropriate use of land and structures in accordance with a comprehensive plan.
> (e) Facilities for sewers, water, schools, traffic, transportation, and other services, and the ability of the County or a political subdivision thereof to supply such services.
> (f) The limitations of fire-fighting and rescue equipment, and the means of access for fire and police protection.
> (g) The portable effect of such use upon the peaceful enjoyment of people in their homes.
> (h) The number of people residing, working, or studying in the immediate vicinity.
> (i) The type, character, and use of structures in the vicinity, especially where people are apt to gather in large numbers such as in schools, churches, theatres, hospitals, and the like.
> (j) Traffic conditions including facilities for pedestrians, such as sidewalks and safety zones, and parking facilities available and the access of cars to highways.
> (k) The preservation of cultural and historic landmarks.
> (l) The conservation of property values.
> (m) The probable effect of odors, dust, gas, smoke, fumes, vibration, glare, or noise upon the uses of surrounding properties.
> (n) The contribution, if any, such proposed use, building, or addition would make toward the deterioration of areas and neighborhoods."**

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* 1970 Census figure.

** Section 19.5 of the Worcester County Zoning Ordinance

Fabrication and pipe coating yards are permitted in the M-1 industrial zoning district. Service or operations bases, refineries, gas plants, intermediate production terminals, storage tank farms and marine terminals would be conditional uses in the same M-1 district, while pipelines would be a conditional use in all districts.

Before a proposed development or structure can be approved as a conditional use, a site plan review must be carried out by the Board of Zoning Appeals with staff assistance from the Planning Commission. A public hearing is held and, subsequently, the Board approves or denies the conditional use based on the review findings and the performance standards criteria established in the zoning ordinance. This process provides the only impact analysis carried out on a proposed development. There is no formal impact evaluation for uses permitted inherently. A marketing study may or may not be required for proposed shopping centers.

The penalties for not adhering to the provisions set forth in the County ordinances are as follows: for the zoning ordinance, a fine between twenty-five and one hundred dollars, or up to thirty days imprisonment or both; for the subdivision ordinance, an invalidated plat; and for the sediment control ordinance, a fine not exceeding five thousand dollars or one year imprisonment for each and every violation.

The Planning Commission, with a staff of two persons, is responsible for developing and implementing the County's comprehensive plan and the zoning and subdivision ordinances. The Commission also enforces its subdivision regulations with assistance from the Roads Department. The Zoning Inspector, with a staff of three persons, enforces the zoning ordinance.

Regulations pertaining to construction in flood-prone and erosion areas are administered by the Office of Building Inspection. The County sediment control officer is responsible for all phases of the sediment control ordinance, receiving enforcement and technical assistance from the Soil Conservation District.

The Sanitary Commission, with the aid of a consultant, is in charge of developing the sewer and water plan and 201 facilities plan. The County Health Department, with a staff of five persons, enforces the sewer and water plan by withholding approval of the necessary permits. The County Commissioners, together with an outside consultant, are in the process of developing the solid waste disposal plan.

There are no formal means for coordinating the activities of these departments and/or functions.

Local skills would be drawn upon for evaluating potential OCS impacts. The County has expressed the feeling that if it could not adequately assess impacts of large-scale developments, it would consider requesting assistance from State Planning or from a consultant. Special funds would have to be requested from the County Commissioners since no funds currently exist for staff expansion.

Town of Ocean City

Ocean City, Maryland's only Atlantic Ocean port, has passed an ordinance specifically banning any industrial use related to OCS exploration, development and production. The zoning ordinance prohibits 1) the refining or processing of oil or oil products; 2) the construction, maintenance or operation of any marine docking facilities; and 3) pipelines. Therefore, all of the facilities addressed in this study are not permitted within the corporate limits of the City.

A site plan review is required for all proposed developments. No additional impact analysis is performed.

Penalties established under the City ordinances consist of a fine of one hundred dollars for each day the zoning ordinance is violated and an invalidated deed for violating the subdivision ordinance. The City also enforces a restriction line for beach building.

The Planning and Zoning Commission, with a staff of three persons, is responsible for developing and implementing the comprehensive plan and zoning ordinance. The Zoning Administrator then enforces the ordinance. The Commission works together with the City Engineer to develop and enforce the subdivision ordinance. The City Engineer is also in charge of all floodplain requirements.

The City Water Department and Engineer are responsible for the water element of the sewer and water plan while the County Sanitary District is in charge of the sewer part of the plan. The County Sanitary District also does the 201 facilities planning. The City Sanitation Department implements and enforces a solid waste disposal plan.

There are no formal procedures for coordinating actions among the above agencies.

If an application were filed for any oil-related or onshore facilities, it would automatically be denied. The City would probably hire a consultant to aid in evaluating any large-scale developments associated with OCS exploration and development if the appropriate officials feel the City, itself, could not handle such an evaluation.

No special funds are available for special assistance except through the Emergency Supplemental Budget.

General Findings

In the course of conducting this review, county officials and planning and zoning administrators were interviewed in an effort to determine local attitudes to the onshore impacts of offshore development. A questionnaire, completed at the interview, posed five questions:

- Do you feel your agency's regulatory programs effectively carry out and enforce the existing provisions of your comprehensive plan?

- Do you feel your local government is equipped to handle the impacts from the development of 1) a service or operations base, 2) a fabrication yard, 3) a pipe coating yard, 4) a refinery, 5) a gas plant, 6) an intermediate production terminal, 7) a storage tank farm, 8) a marine terminal, and 9) pipelines, with its present regulatory and planning powers?

- Do you feel the staff and budget of your agency are adequate 1) to effectively carry out existing regulatory programs under the present work load conditions, and 2) to effectively cope with increased work loads which might occur from onshore OCS related development activities?

- How do you think the State of Maryland's Coastal Facilities Review Act will influence your local 1) planning responsibilities, and 2) zoning decisions in relation to coastal development?

- Is approval for a zoning permit, building permit, septic tank permit, occupancy permit (and any other relevant permit) based solely on the fulfillment of minimum regulatory and planning requirements or is there a range of discretion used in making these decisions?

Selected responses to these questions are found in Appendix II.

In assessing the strengths and weaknesses of the local governments in the coastal zone of Maryland to respond to potential onshore impacts of OCS development, several key considerations must be kept in mind.

Most important, are matters of scale -- populations and budgets. The large populations are concentrated in the Baltimore-Washington corridor, including Harford County. In 1970, some 2,600,000 people resided in the Baltimore region. The large jurisdictions in the Baltimore area have strong and well staffed planning departments; and have well staffed agencies that enforce land use and other regulations. The governing bodies

of these jurisdictions are experienced in the making of planning and regulatory decisions and in the adjustment to change. These governments generally have diversified economies, available labor force, and can be expected to aggressively seek out developing industries and the business opportunities associated with OCS development.

Eastern shore and southern Maryland jurisdictions, are not as experienced in planning for large industrial development. Several jurisdictions are deliberately planning for slow growth or at least, selective growth. Every local government surveyed has professional planning staffs and active planning programs. This is a plus and a strength. However, those jurisdictions that do not have the experience of planning for rapid growth would do well to consider possible actions in the event of receiving a major industrial siting proposal, in the course of the comprehensive planning process.

Furthermore, the addition of a formal impact analysis process to the zoning ordinance would ensure that local government had the means to answer complex land use questions posed by major facility siting proposals.

All jurisdictions maintain good liaison with key people in the Department of Natural Resources and the Regional Planning staff of the Department of State Planning. These good relationships represent a strength in State-local activities, that can be built upon to develop a technical assistance capability to augment local jurisdictions' staff expertise in resolving land use and natural resources issues. One course of action would be to augment DSP's regional planning staff in the field with additional manpower experienced in natural resources planning.

Because major oil-related facility development in one county can cause socio-economic and environmental disruptions in adjacent jursidictions, counties should consider establishing ad hoc regional task forces to coordinate on facility siting issues. Finally, local governments can augment their control of sites for facility development by designating such sites as areas of critical State concern.

These strategies for augmenting local powers to manage the onshore activities associated with offshore resource development are discussed in greater detail in the concluding chapter.

IMPROVING THE CAPABILITY OF MARYLAND GOVERNMENTS TO MANAGE THE ONSHORE EFFECTS OF OFFSHORE RESOURCE DEVELOPMENT

The review of State and local powers that relate to managing the onshore effects of offshore resource development identified certain State and local actions that, if pursued, would enhance the ability of State and local governments to site oil-related facilities and mitigate their impacts (see pages 46, and 102). This chapter elaborates on the nature of these actions.

State Action
Financial Assistance to Counties to
Ameliorate Onshore Impacts

One prevailing Maryland local government attitude, documented in the Appendix, is that local planning and zoning authorities would have the capacity to manage the onhsore impacts of offshore oil development providing they had access to adequate funds. This section will explore alternate techniques the State could use to assist local governments in accommodating oil-related facilities.

Recently signed into law, the Federal Coastal Zone Management Act Amendments of 1976 will enable the State to more effectively assist local governments in meeting the challenges imposed by OCS development. The Amendments provide several types of financial assistance to Coastal States, and through them, to local government, to cope with the onshore problems associated with offshore development.

(I) $50,000,000 is authorized annually for grants automatically allocated on the basis of adjacency to leased tracts, adjacency to producing wells, landing of offshore oil and gas, and new employment spurred by offshore development. These grants are to be used for the following purposes:

- retirement of State and local bonds financed by the Federal loans described below;
- the study of, planning for, development of, and the carrying out of necessary projects and programs which are required as a direct result of new or expanded OCS activity, provided that available funds under any other applicable provisions of the amendments have been exhausted;
- the prevention, reduction or amelioration of any unavoidable loss in a State's coastal zone of any valuable environmental or recreational resource resulting from coastal energy activity.

(II) $800,000,000 is authorized for the period 1975-1980 for:

- loans to coastal States and to local governments to assist them in providing new or improved public facilities and/or public services required as a result of coastal energy activity;

- guarantees of the payments of the principal or interest on funds issued for the purpose of providing such facilities;

- grants to enable a State to prevent, reduce, or ameliorate any avoidable loss of valuable coastal zone environmental or recreational resources resulting from coastal energy activity not adequately covered by the grants described under (I) above;

- grants for the study of and planning for, any economic, social, or environmental consequence which has occurred, is occurring, or is likely to occur in a State's coastal zone as a result of the siting, construction, expansion, or operation of new or expanded energy facilities.

With the exception of the planning grants, these monies are to be allocated on the basis of the amount of new employment and associated new population spurred by coastal energy activity and the cost of the new public facilities and services required by such coastal energy activity. A maximum of $50,000,000 is to be allocated to the planning and environmental protection grants.

The amendments further provide that this financial assistance shall be apportioned, allocated, and granted to units of local government on a basis which is proportional to the extent to which such units need such assistance.

These varied avenues for assistance will certainly aid Maryland State and local government in planning for oil-related facilities. However, the funds that appear on paper to be available for the construction of necessary infrastructure to lay the foundation for rapid growth may not be forthcoming to Maryland, because the Amendments tie the size of grant awards to the size of certain measures of impact -- as compared to the rest of the United States! Maryland's short Atlantic coastline and relatively sparsely populated Eastern Shore will certainly restrict the size of the State's automatic grants, if any, because the grants are tied to "adjacency" and "employment" ratios that compare, for example, the Eastern Shore, with no oil-related development, to Louisiana, with its vast investment in the oil industry. The Amendments

do not recognize that construction of even one oil-related facility in a frontier region such as the Eastern Shore will cause far greater social disruption than an incremental increase in oil-field activity in an established producing region such as Louisiana.

Any funds which are made available to the State as a result of this legislation will be directed to the provision of infrastructure to support onshore development, in accordance with the Amendments' provisions that financial assistance should be passed through to units of local government in proportion to their need.

OCS Activity Clearinghouse

During the preparation of this Report several local jurisdictions explained that they could respond more effectively to the OCS issue if the State kept them informed of offshore development activity as it occurs. Information such as scientific and environmental study progress, offshore operations activity, offshore and onshore development proposals, Federal energy impact grant opportunities, and hydrocarbon production figures, all must be transmitted to local government and agencies, in order to be factored into government activities and actions.

The State Clearinghouse, in the Department of State Planning, is an established mechanism capable of distributing information efficiently to all jurisdictions in Maryland. The Clearinghouse could distribute an "OCS Update Packet" to all Maryland government agencies on a quarterly basis. The "OCS Update Packet" should be prepared by the Coastal Management Program, and include the information outlined above. In addition to assembling information, the Coastal Management Program should explain the significance of this information. Whenever the State receives OCS information of interest to local governments that must be reviewed within a short time frame, a special "OCS Update Packet" should be prepared by the Coastal Management Program and routed by the Clearinghouse.

Implement a Coastal Management Program

Although the State exercises a wide array of powers that influence the siting of oil-related facilities, State programs are most effective when they are administered in a cooperative and supportive manner that recognizes the intrinsic unique value of coastal resources. One technique to promote cooperative administration of State and local powers is to implement a coastal management program.

The goals of the Coastal Management Program development effort are:

- to avoid or resolve conflicts among competing coastal uses;
- to protect valuable areas and resources;
- to promote, or provide for, the best use of coastal resources.

This approach identifies and develops the means to protect coastal areas of biological, recreational, aesthetic, scientific, historic and cultural importance. It also identifies and provides for the rational use of developmental critical areas, including sites for oil-related facilities, in the coastal zone. It also develops guidelines and standards regarding the conduct of uses which affect areas of particular concern or the productivity of the State's coastal areas. Finally, it proposes the means, including the setting of priorities, to guide public and private use of coastal resources to reduce conflicts and to protect natural resources.

An implemented Coastal Management Program would take full advantage of, and assist, existing programs at all levels of government. Many elements of the management program would operate through existing agency programs at the State and local level.

An implemented Coastal Management Program would have four operational elements:

- Data inventory analysis;
- Resource screening;
- Project evaluation;
- Public and governmental involvement.

Data Inventory and Analysis is an ongoing requirement to study the processes and interactions of coastal resources, so that management efforts are more effective. Resource Screening and Allocation is the continued assessment of resource availability and demand, so that conflicts between competing users can be resolved. Project Evaluation is the prediction of impacts (socio-economic as well as environmental) that can be anticipated to occur from specific project proposals. This program element is particularly germane to petroleum related facilities as defined by the Coastal Facilities Review Act of 1975. The final operational element, Public and Governmental Involvement, is the continuing interaction with citizens and government representatives not only to promote implementation of the Coastal Zone Management Program, but also to provide an opportunity for updating and modifying the Program as conditions and priorities change.

Maintain Comprehensive Records of Actions Taken on Discretionary Environmental Quality Permits

Although all permitting agencies keep accurate records of the number of permits issued, in the case of discretionary permits, simple reporting of these statistics does not convey an indication of the effectiveness of permit programs in managing the environment. Discretionary permit programs include:

- wetlands;
- water appropriations;
- water discharge;
- watersheds;
- air quality;
- sewage treatment facility construction.

Although nearly all permit applications are approved in some form, an issuance rate of approximately 90% may lend the impression that permits are "rubber stamped." More comprehensive tracking of the activities that take place during review of permit applications would demonstrate the stringent evaluation processes that are actually carried out. Some agencies have already experimented with record keeping systems which serve this function.

One method records the magnitude of the original application, and the magnitude of the permit as approved. Permit activity can then be expressed as a percentage of work applied for that was allowed. While not presenting a totally accurate picture of what would have occurred in the absence of regulation (some modification to original plans occurs in anticipation of the conditions that the regulatory agency will impose) this procedure would provide far more information on the permit process than is presently available. In cases where the "magnitude" of the application is difficult to measure, the permit administrator could simply indicate whether the permit application had been modified severely, moderately or only slightly during the permit approval process.

Strengthen Joint Hearing Procedures

Any oil-related facility would require several State permits. Typically, these permits require separate decisions by the various permitting agencies and sections. The State has authorized a consolidated permit application and hearing procedure for two purposes:

- To simplify and expedite the permit process for the developer;
- To provide for effective expression of public comment to safeguard against approval of projects not in the interest of the State.

The consolidated permits office (CPO) in the Board of Public Works is charged with implementing the consolidated permits process. The CPO has prepared a consolidated application form and will set up a consolidated hearing at the developer's request.

The concept of Consolidated Hearings is a sound one: it should prove a mechanism for preventing delays and duplication of effort, both by the developers and State agencies, and remove barriers to effective expression of the public interest.

Because the consolidated permit process is voluntary and initiated by the developer, only one request has been received by the CPO since the Consolidated Permit Hearing Procedures Law became effective July 1, 1975. The impression of most permit administrators is that:

- Out of the total number of developments processed, only a small percentage require multiple permits; and
- Developers prefer to have multiple hearings so that they can dissipate public opposition through several hearings.

Developers appear skeptical of the benefits to be gained from consolidated hearings. They would rather endure some bureaucratic duplication than face a united public review of a proposal.

In order to improve its delivery of services, including permit programs, the State should seek better acceptance of the consolidated hearings program. State agencies should have the authority to require use of the consolidated hearings process if it is felt that consolidated review may enhance the State's actions on a major facility proposal.

Local Actions

Address Facility Siting Issues in the Planning Process Before they Occur

Because few rural counties in the State have extensive experience in processing a major facility proposal, one that might carry a price tag in the hundreds of millions of dollars, and employ hundreds -- or more -- workers, receipt of such a proposal could cause overwhelming administrative problems, such as:

- What office (economic development coordinator, county planner, zoning administrators, commissioner executive) will provide the lead in accommodating this proposal?
- Where will sufficient manpower be located to perform local functions in a competent manner?
- Where will special funds be found to pay for the additional work created by the proposal?
- What additional procedures, if any, should the local government pursue in order to safeguard the public interest?

Waiting until the day after a proposal is received to answer these questions can significantly delay the decision process and even compromise the effectiveness of local control and action.

An obvious course of action is to develop answers to these questions (which will accompany any large proposal, be it a subdivision, power plant, or oil-related facility) before the questions arise. As one aspect of the comprehensive planning process, planning and zoning authorities should develop a contingency plan for local action upon receipt of a major development proposal. The contingency plan should answer the questions raised above, and chart the course of action to be followed in the event that a proposal is received.

Local Impact Analysis

Accommodation of major development projects may cause changes in the natural environment, community structure, and economic and fiscal health of the county in which they are located. Although all Maryland counties have an effective planning and zoning organization, many of the basic environmental, community and fiscal changes sparked by development may escape review in the conventional zoning process. Thus, when granting zoning changes for development, local jurisdictions may occasionally purchase a "Pig in a Poke."

One means to avoid permitting developments with unforeseen consequence is to provide the zoning administrator with the opportunity to require an analysis of possible environmental, community and fiscal impacts in order to provide additional information on which to base the zoning decision.

An Impact analysis to facilitate a zoning decision should include a description of the project; description of the local environment, community structure, and economic and fiscal status; analysis of the impacts of the project on the environment, community and local economy and fiscal structure; possible mitigating measures; and results of special investigations to answer specific questions which may be raised about a project.

Several coastal counties already employ some measure of impact analysis. Charles, St. Mary's and Talbot counties each provide that the applicant may be required to furnish impact studies under certain extraordinary conditions. All jurisdictions consider the economic and environmental consequences of zoning changes in Public Hearings if the action involved is a special exception, or requires rezoning or textual changes in the zoning ordinance. However, no jurisdictions require the kind of rigorous impact analysis for oil-related facilities that safeguards the public health, safety and general welfare.

Offshore oil-related facilities are subject to impact analysis under the provisions of the Coastal Facilities Review Act (Sec. 6-501, et seq of th Natural Resources Article). However, while the CFRA requires that oil-related

facilities be subjected to rigorous impact analysis, only the State's permit decision must be based on the findings of the extensive environmental and economic impact review process. There is no requirement that local governments also base their decisions on the CFRA impact analysis. Also there are often issues raised during the facility siting process which, because they may be local in nature, should legitimately be analyzed and resolved at the local level.

An amendment to the county zoning ordinance to provide for comprehensive impact analysis prior to major zoning decisions should include the following provisions:

a. The Impact analysis requirement should be triggered by a decision by the zoning administrator or the County governing body. Criteria should be developed to clarify the kinds of projects and zoning actions which normally will be subject to impact analysis. Of course the impact analysis process can only contribute to those zoning actions which involve the exercise of discretionary authority.

b. Costs of the impact analysis should be borne by the applicant.

c. The impact analysis should be designed and managed by the local jurisdiction, with technical assistance from the State.

d. Minimum contents of an impact analysis (as outlined above) should be incorporated into the zoning ordinance.

e. Wherever there is a State level impact analysis process already in effect (e.g., power plants, oil-related facilities), the zoning administrator should be vested with the flexibility to combine the local impact analysis process with the State studies.

f. The zoning decision must be based on and reflect the findings of the impact analysis process.

The impact analysis alternative could be implemented by either State or local action. At the State level, Article 66-B of the State Code, the zoning statute, could be amended to require that an impact analysis process by included in county and municipal zoning ordinances.

A more practical approach is to encourage local jurisdictions to amend their zoning ordinances to include a comprehensive impact analysis process. To this end the Departments of State Planning, and Natural Resources could provide technical assistance by developing a model impact analysis amendment to a zoning ordinance. The Coastal Zone Management Program's regional coordinators, and the Department of State Planning's regional planning staff then could assist the local planning and zoning offices in adapting the model ordinance to their own needs.

Augment the Natural Resources Planning Capability of Local Government

Building on the strong relationships that have been established between the Department of State Planning's regional staff, and local planning and zoning offices, the State could augment the technical assistance available from the regional planning offices by attaching natural resources planners to the regional offices.

Natural resources planners attached to the regional offices would serve as consultants to local governments on complex natural resources issues, including resolution of major faiclity siting issues, and other coastal problems.

While funds for this course of action could possibly be forthcoming from the coastal management program, this technical assistance program should make maximum use of the extensive experience of the regional planning offices.

Interjurisdictional Coordination on Facility Siting Issues

The location of a major industrial project in a coastal county will have ramifications beyond its boundaries. In addition to possible environmental changes, goods and services moving to and from the new facility may create a need for improved roads in other counties. In addition, the work force associated with a new project may choose to live elsewhere. Such a situation could create a property tax boon in one county while forcing another county to provide new community facilities such as sewers, schools, and hospital beds. Unless close coordination and consultation among counties is initiated and maintained, a county's decision on the siting of a major facility could spur major adverse effects on neighboring counties without their knowledge or consent.

Local administrators should give consideration to forming an ad hoc regional coordinating body for facility siting issues. In addition to ensuring that there will be no "inter-county surprises" capable of damaging relations, such action could promote a pooling of resources among counties on facility siting issues.

Designate Potential Major Facility Sites as Critical Areas

Once a county decides to host an oil-related facility, it needs to control the potential adverse effects of the siting and operation of the facility. County planning and zoning procedures may not fully address the widespread implications of facility projects. Aspects of development such as total size of labor force permitted, etc., may escape control under the zoning process. However, the critical areas program established by the State Land Use Act creates a State-local partnership, which could bolster the local regulatory arsenal by encouraging site-specific management measures to insure proper utilization of designated areas.

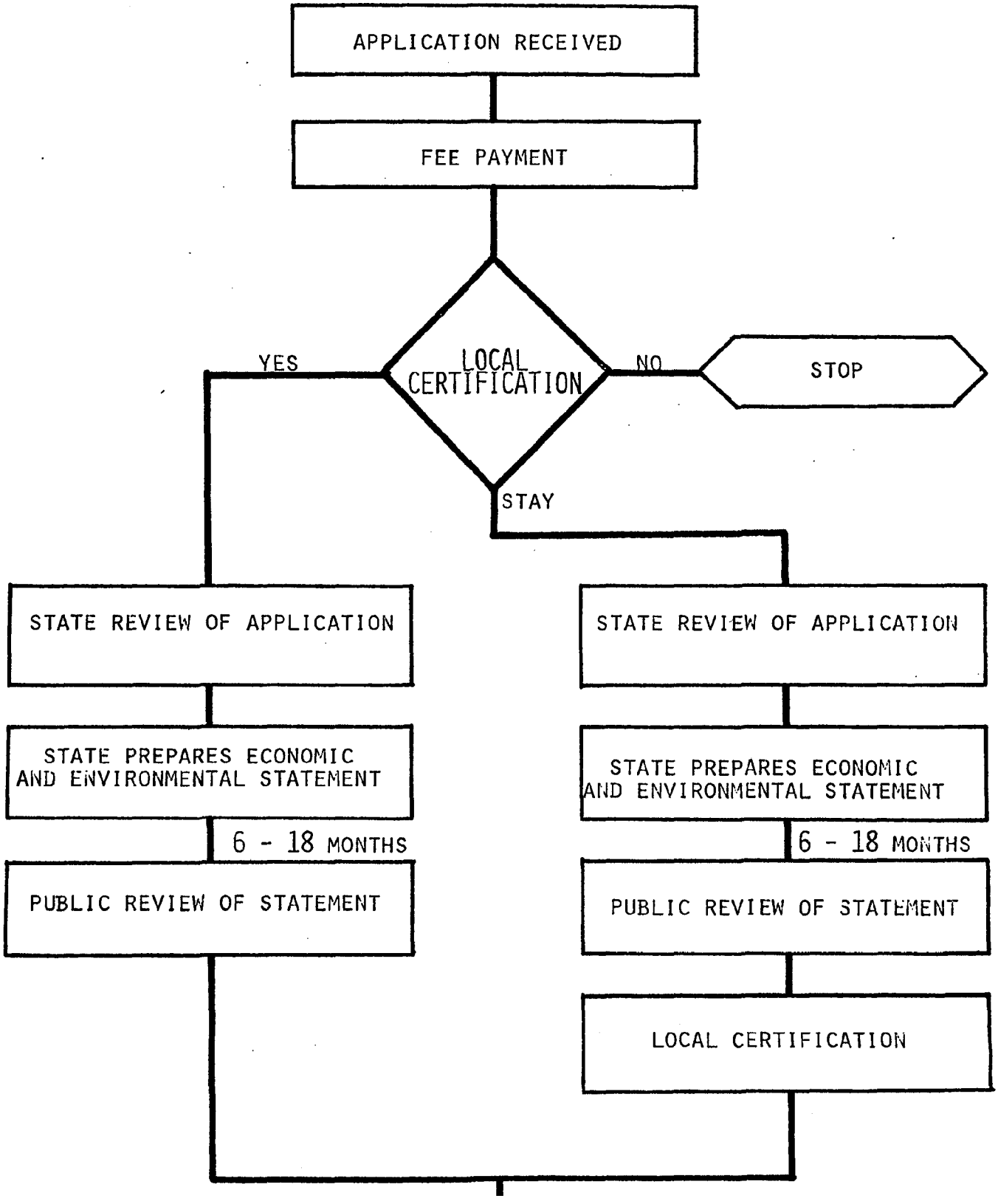
Designation of a potential major industrial site as a critical area would provide direction to State agencies making decisions affecting such areas, and would provide additional credence to local actions.

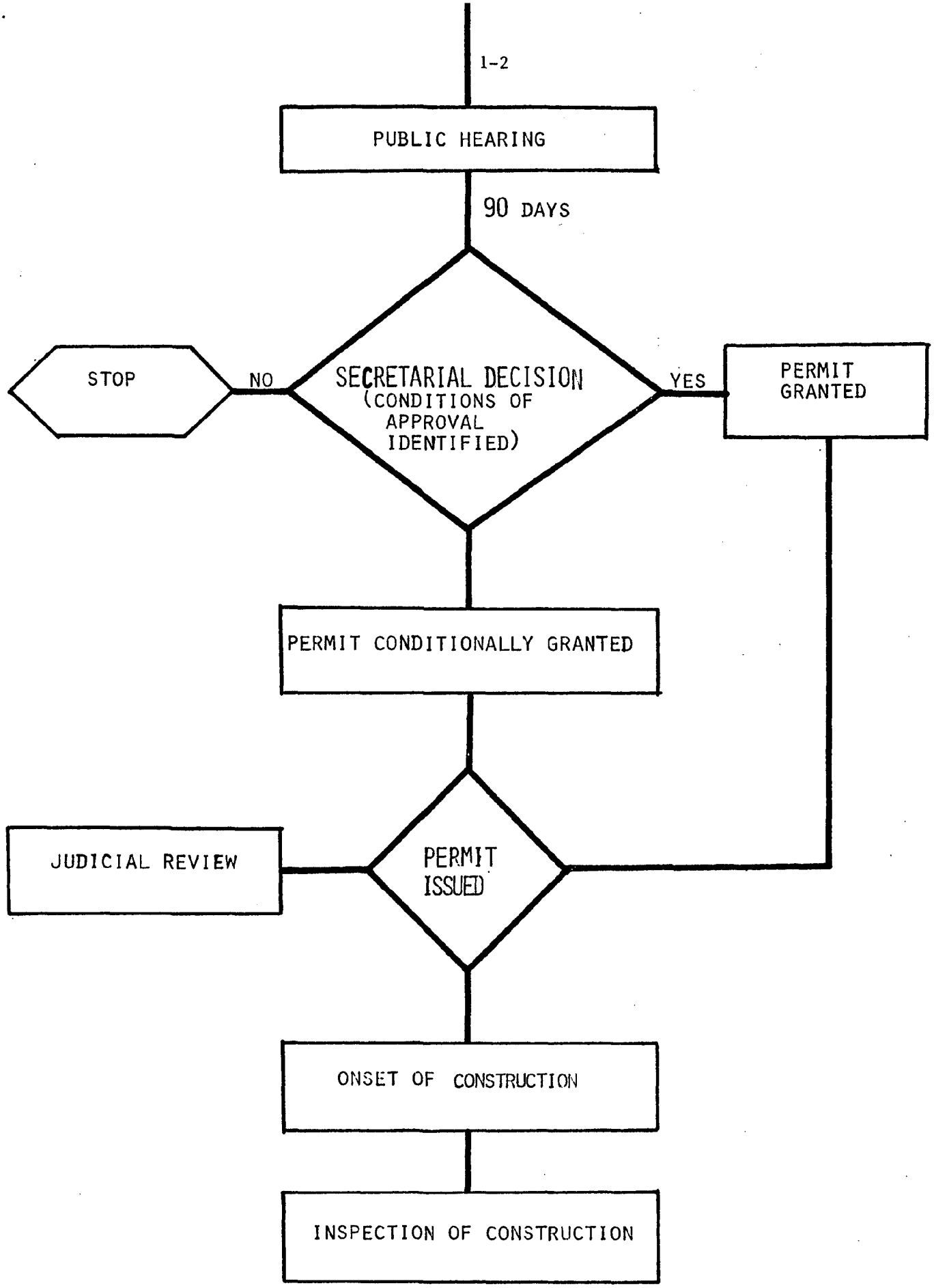
APPENDIX I

Decision Flow Charts

COASTAL FACILITIES REVIEW ACT

PERMIT PROCESS




PUBLIC HEARING
90 DAYS
SECRETARIAL DECISION
(CONDITIONS OF APPROVAL IDENTIFIED)
NO
STOP
YES
PERMIT GRANTED
PERMIT CONDITIONALLY GRANTED
PERMIT ISSUED
JUDICIAL REVIEW
ONSET OF CONSTRUCTION
INSPECTION OF CONSTRUCTION

STATE OF MARYLAND

Functional Area	Permit	Issuing Agency	Processing Time	Public Hearing	Federal Involvement
Sewerage	Ground Water Disposal Permit	Water Resources Administration (WRA)	Minimum 6-8 months assuming compliance water and sewer plan	Yes	Yes, where surface water discharge (NPDES)
	Construction Permit	Environmental Health Administration (EHA)			

Example: Industrial developer with package treatment plant, domestic and individual waste, land disposal.

Applies County Health Dept. → EHA solicits comments from local Health Dept. and Dept. of State Planning. Checks compliance with Water and Sewer Plan. → WRA solicits comments from 303 and 208 agencies. Evaluates information submitted and requests further data as required. → Public Hearing (in county) → WRA Summary Report Draft Permit with discharge standards. → EHA Review Construction Plans to determine if WRA discharge permit standards can be met. → EHA issues permits.

Comments: Timing affected by ability of developer to provide necessary technical information. Developer could begin work with EHA for construction permit in a parallel time frame with WRA review of discharge permit to accelerate process.

At time of hearing, WRA basically satisfied that discharge is acceptable. Public input could lead to requests for more information. Public involvement varies depending on size of discharge, relationship to water supply intakes, trout stream, feeding a reservoir, land disposal concerns over pollution of wells, etc. With surface discharge, federal standards and procedures are involved increasing processing time.

Functional Area	Permit	Issuing Agency	Processing Time	Public Hearing	Federal Involvement
Fire	Approval of building plans	State Fire Marshal's office	3 week goal	No	No

Architect submits plans to fire marshall or local building permit office submits plans → Fire Marshall Review → Letter sent to building department or architect with plan comments → Fire Marshall's Office inspects prior to occupancy

Enforcement difficult in counties lacking building code.

Functional Area	Permit	Issuing Agency	Processing Time	Public Hearing	Federal Involvement
Oil storage, handling, transfer	Oil operations permit	Water Resources Adminis.	60 days	No	No

Application form sent to applicant upon request → Applicant completes and returns → Technical evaluation and visual inspection → Permit issued with conditions, standards

Functional Area	Permit	Issuing Agency	Processing Time	Public Hearing	Federal Involvement
Air quality (stationary source)	Equipment Permit	Environmental Health Administration	30-60 days. (Major sources such as a steel mill would begin working with Bureau of Air Quality Control as much as two years before application in design stage)	If major sources are involved public comment will be requested	EPA reviews plans for compliance involving existing plant - not new plant

Example: Developer with large central heating plant and incinerator.

Application filed with local building permit office, local health department or EHA → Local Health Dept. reviews and submits to EHA → EHA technical review and equipment number assigned → Copy of permit to construct returned to local health department → Local health department sends copy of permit to applicant

Functional Area	Permit	Issuing Agency	Processing Time	Public Hearing	Federal Involvement
Water	Appropriations Permit	Water Resources Adminis.			
	Construction Permit	Environmental Health Adminis. (only when public water supply involved)	6-8 weeks, assuming compliance with water and sewer plan	Yes	No

Example: Developer proposed on-site water supply to industrial park.

Applies to WRA and gets forms → Applicant gets sign-off from local health dept. as to conformance with water and sewer plan. → Sends forms with local approval to WRA → Public Hearing → WRA issues permit → Issues well construction permit

If public supply must get EHA construction permit

Major water users often have problems with public concerned with limited water supply. For example, any proposal in Southern Maryland involves great political pressure at State and local level. Even small subdivisions receive opposition from neighbors already experiencing water shortages.

Functional Areas	Permit	Issuing Agency	Processing Time	Public Hearing	Federal Involvement
Solid Waste	Permit to dump from state and local government	Environmental Health Administration and local government	6 months to two years depending on county. Some counties have more complex procedures	Yes	Not unless special waste dumping

Example: Developer will dispose of waste on site, not use county or commercial services.

Apply to local agency and State → Plan engineering and specifications reviewed at State and local level → Public hearing → If proposal safe, meets local zoning, has local approval and in county solid waste plan, State will grant permit

Must be included in county solid waste plan.

Functional Area	Permit	Issuing Agency	Processing Time	Public Hearing	Federal Involvement
Stream alteration, impoundment, construction on flood plain	Waterway Construction Permit	Water Resources Adminis.	4-6 weeks	Yes	Not generally. Unless of such size that Environmental Impact Statement required.

Example: Proposed impoundment involving upstream drainage areas of at least 400 acres.

Apply WRA → Complete forms and return to WRA → Technical review by WRA → Schedule public hearing - applicant responsible for notification → WRA considers public hearing comments and negotiates differences and problems → Issues permit

In metropolitan counties many agencies may review, e.g. M-NCPPC and WSSC in Montgomery and Prince George's. Issues generally raised by downstream interests.

Functional Area	Permit	Issuing Agency	Processing Time	Public Hearing	Federal Involvement
Highways	Access permit	State Highway Administration, Bureau of Engineering	2 weeks up, depending on complexity and problems	No	Depends on type of highway

Residential

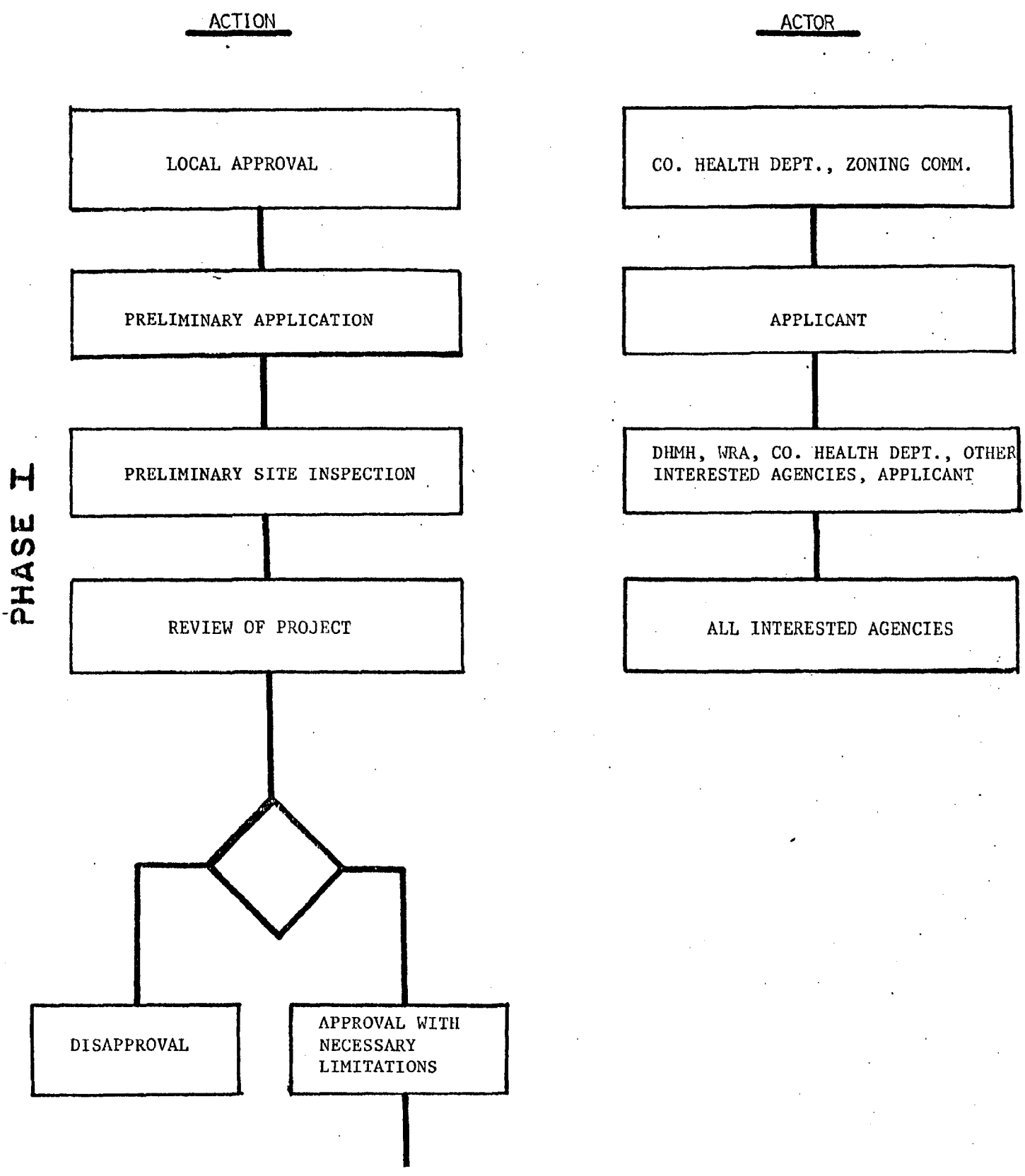
Applicant submits subdivision plat to local planning and zoning office → Access reviewed by District Office of SHA → Approval noted and returned to planning and zoning for further action

Commercial

Applicant submits plans to local planning or building permit office → Weekly pick-up by SHA Bureau of Engineering representatives → Technical review and issue permit

SANITARY LANDFILL

SITE APPROVAL PROCESS



PHASE II

SURFACE AND SUBSURFACE WATER SAMPLING PROGRAM

DETAILED PLANS SUBMITTED

JOINT MEETING

DHMH WITH ADVISE AND CONSENT OF OTHER AGENCIES

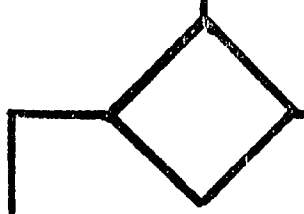
APPLICANT

MGS, WRA, SCS, DHMH, OTHER INTERESTED AGENCIES, APPLICANT

PHASE III

REVIEW PERIOD

ALL PARTICIPATING AGENCIES

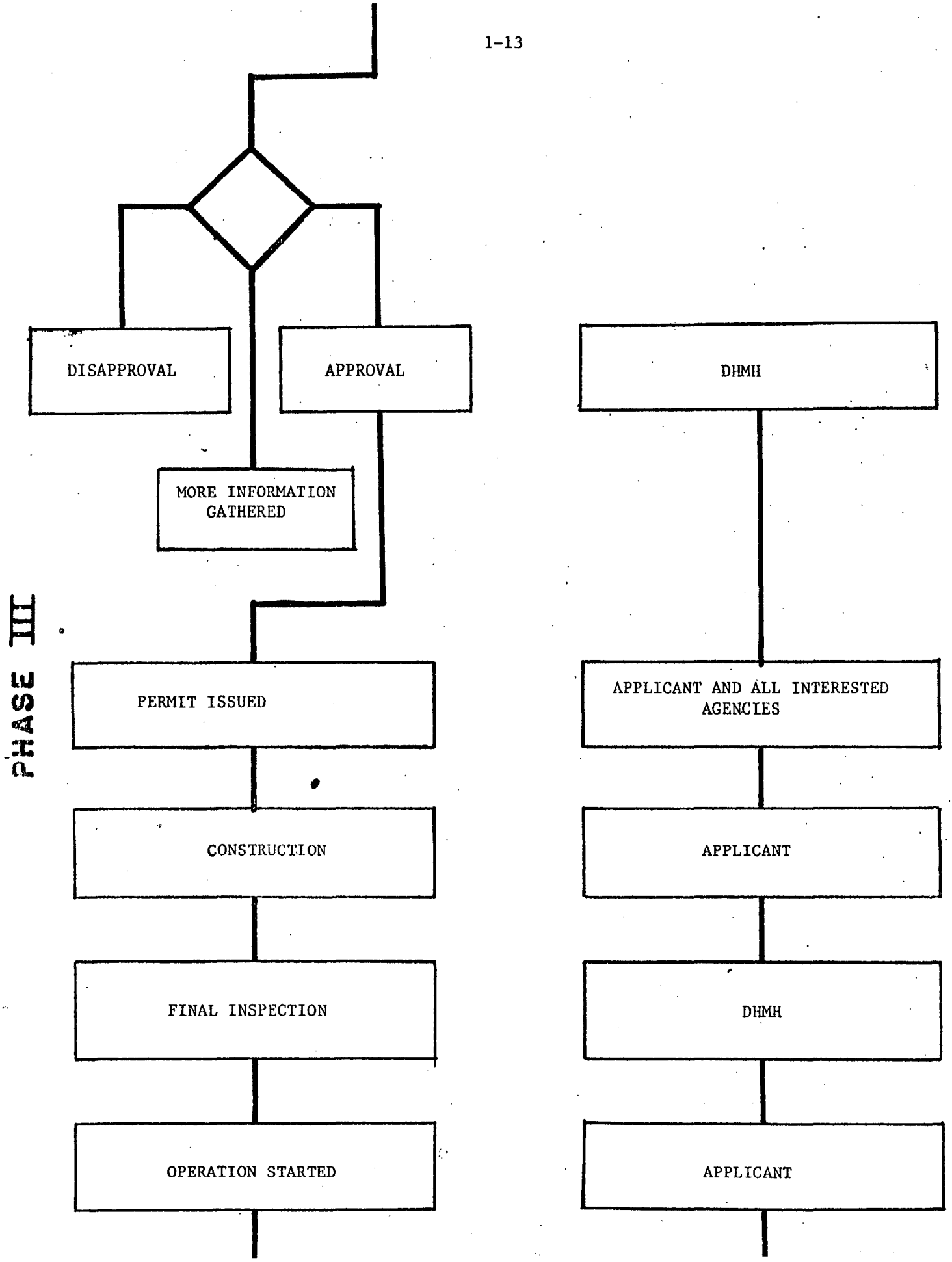


DISAPPROVAL

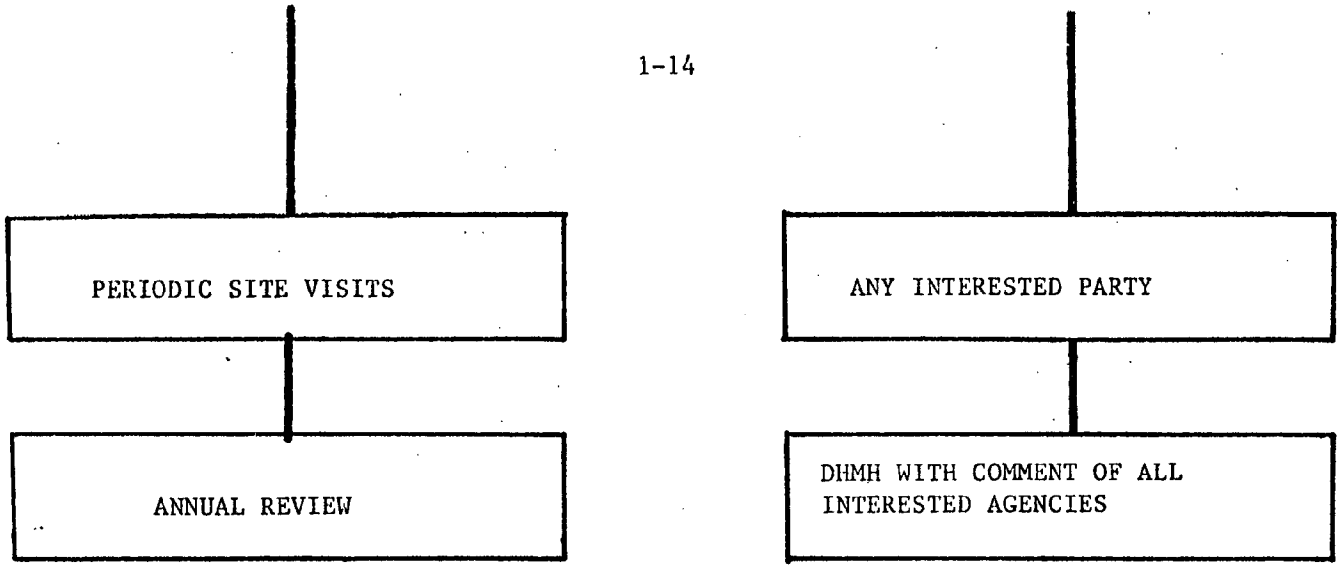
PUBLIC HEARING

DHMH AND OTHER INTERESTED PARTIES

PHASE III


DISAPPROVAL
APPROVAL
DHMH
MORE INFORMATION GATHERED
PERMIT ISSUED
APPLICANT AND ALL INTERESTED AGENCIES
CONSTRUCTION
APPLICANT
FINAL INSPECTION
DHMH
OPERATION STARTED
APPLICANT

PHASE III


PERIODIC SITE VISITS
ANNUAL REVIEW
ANY INTERESTED PARTY
DHMH WITH COMMENT OF ALL INTERESTED AGENCIES

BALTIMORE COUNTY - JANUARY 1975

PRE-DEVELOPMENT/BUILDING APPLICATION PROCEDURES

Refers to Industrial/Commercial & Residential

Initial check with Planning and Zoning to determine applicability of the below procedures

Zoning

Reclassifications - 6 months

Filing periods:
March 1 - April 15
Sept. 1 - Oct. 15

Petition prepared (checklist require.) → Zoning Advisory Committee → Comments prepared → Report prepared by Planning Director to Planning Bd. → Report from Board to Zoning Com. → 15 days prior to hearing: notices on hearing → Hearing → Order by Zoning Com. → Appeal to County Bd. of Appeals

Variance, Redistricting, Special Exceptions - 3-4 months

Filing period:
Any time

Petition prepared → Zoning Advisory Committee → Comments prepared → Planning Directors comments → 15 days prior to hearing: notices → Hearing within 90 days

Sewer and Water Plan Revisions - Jan.-July 1 Each year

Major changes take place one time each year.

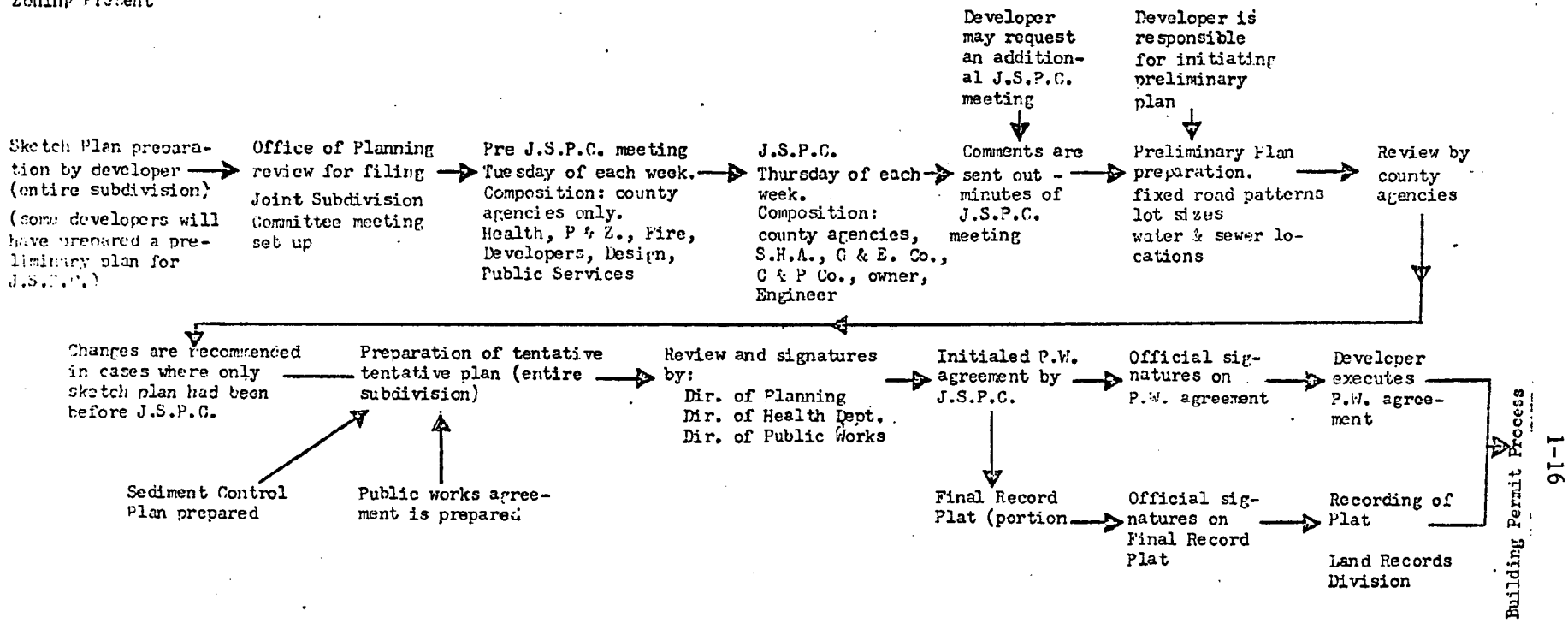
Review of plan with Dept. of Engineering; adjustment to agree with B.W.C.I.P. requests from developer → Preliminary maps - recommended changes → Plan Review assigned to Planning Bd. Committee → Plan/Health Bds. approval → State Health D. receives copies for review → Proposed Plan Maps → County Council → 1 month advance notice → Public Hearing → Council Approval → State Health Dept. *

* Plan must be approved before building permit can be issued

Subdivision Process

DEVELOPMENT PLAN PROCEDURES

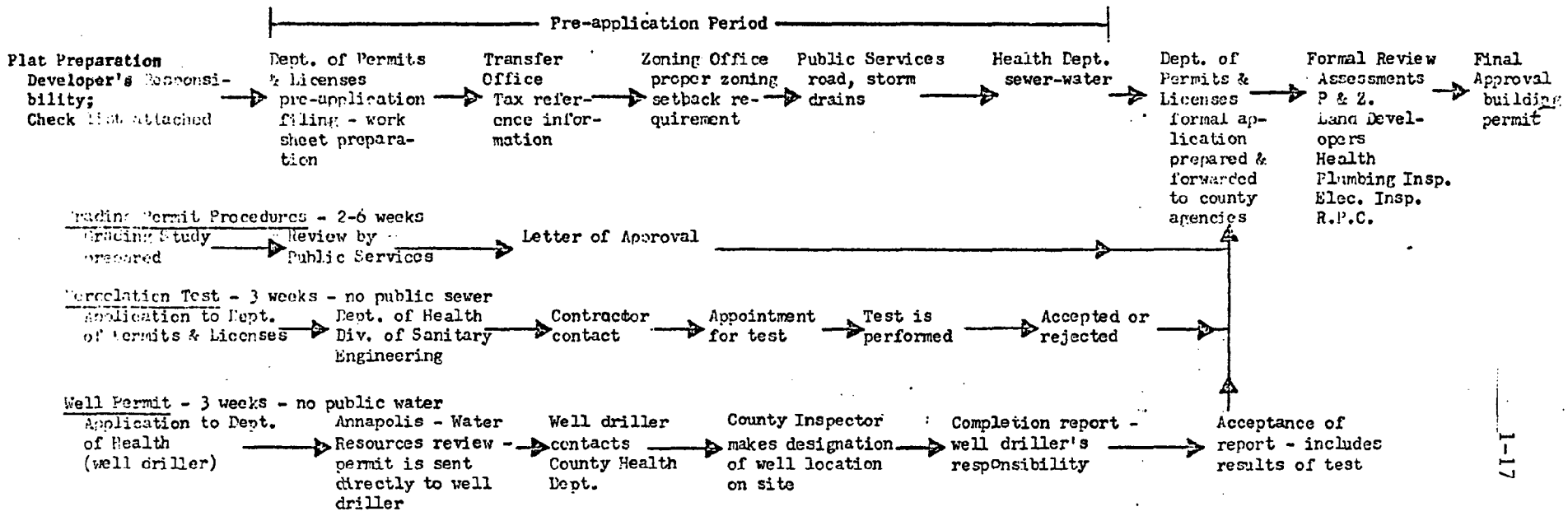
Industrial/Commercial
Residential - normal time 6 months (County government time)
Sewer and Water,
Zoning Present



BUILDING PERMIT APPLICATION PROCEDURES - 2-3 weeks' total time *

Minor residential permits take 3 days.

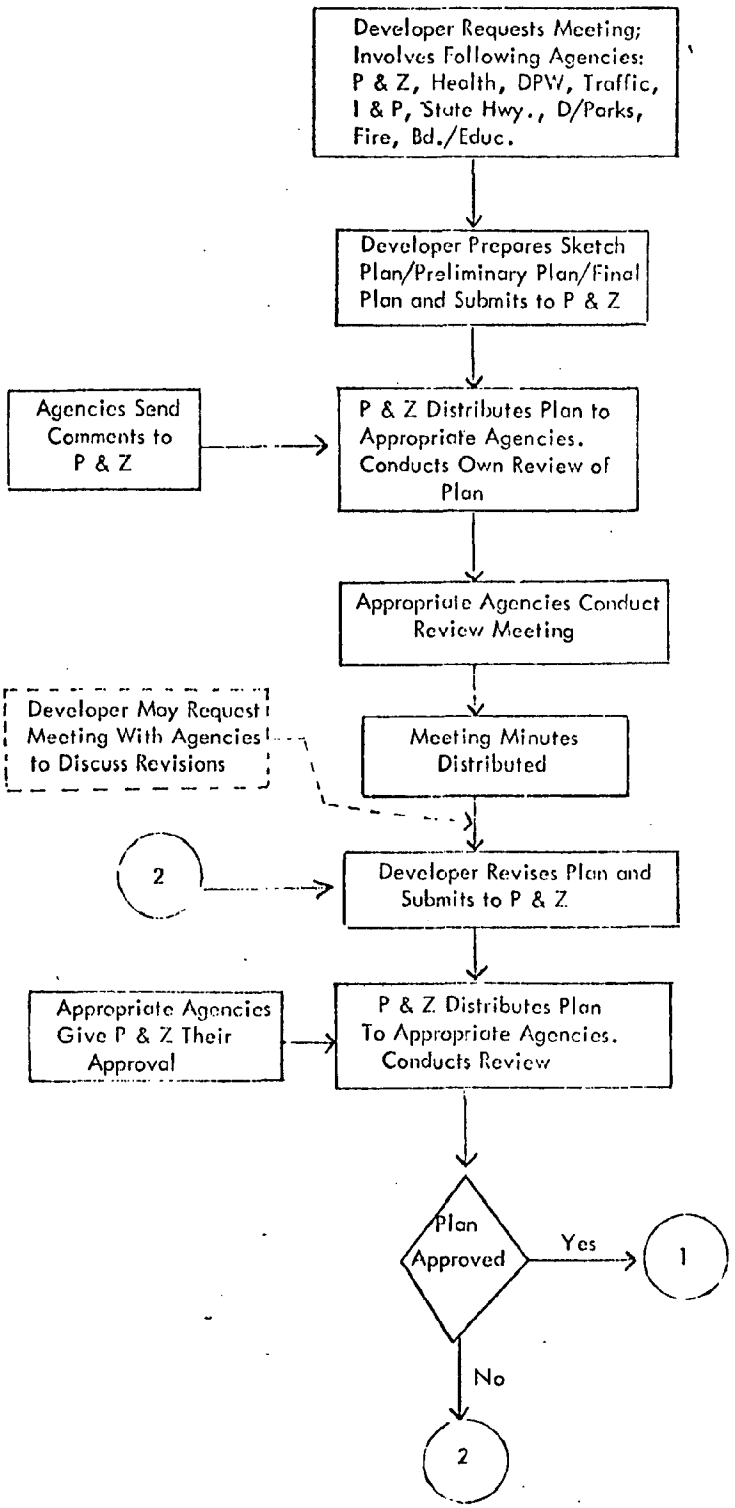
* Working days involved by county personnel.



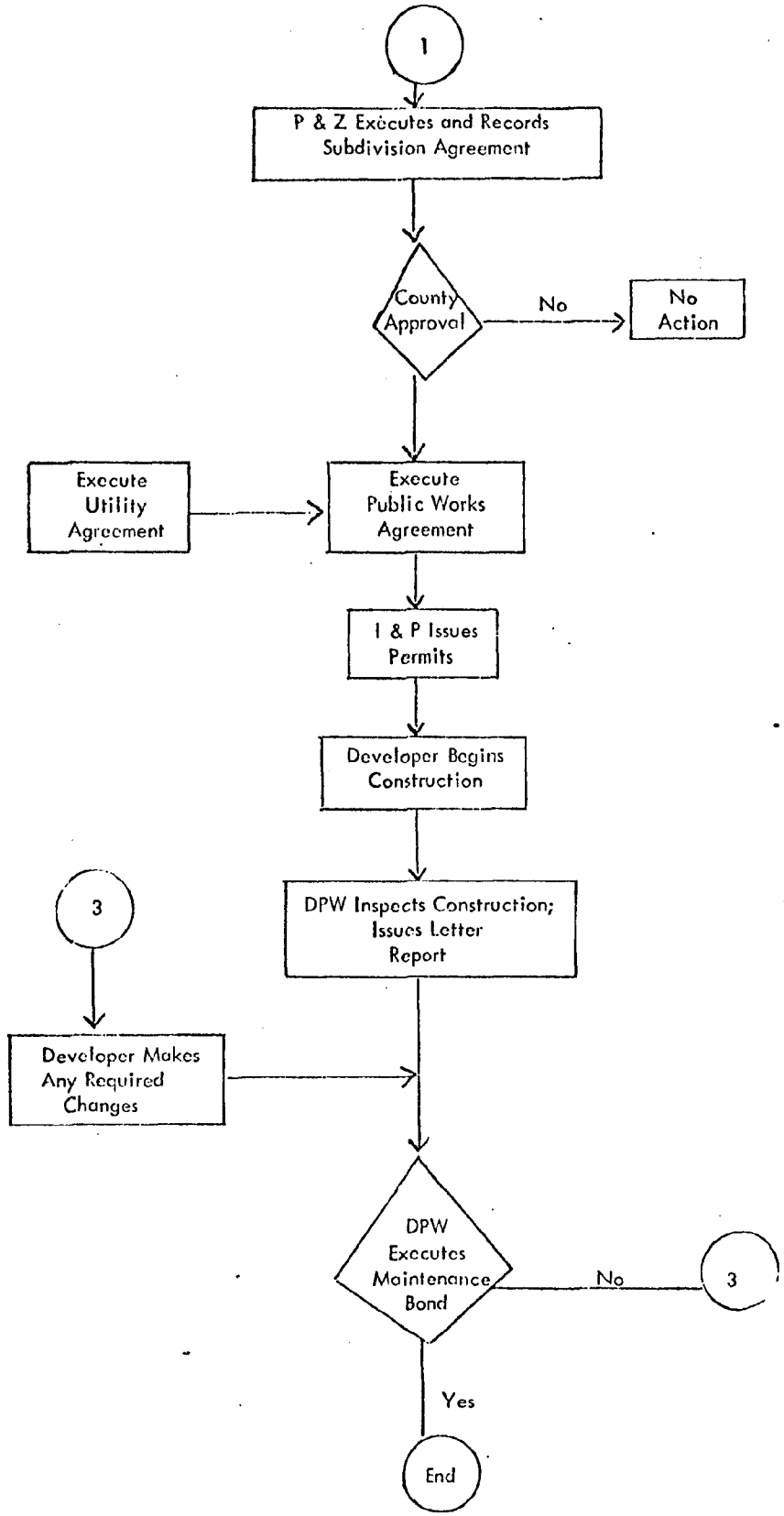
Subdivision Development Approval Process For

Anne Arundel County

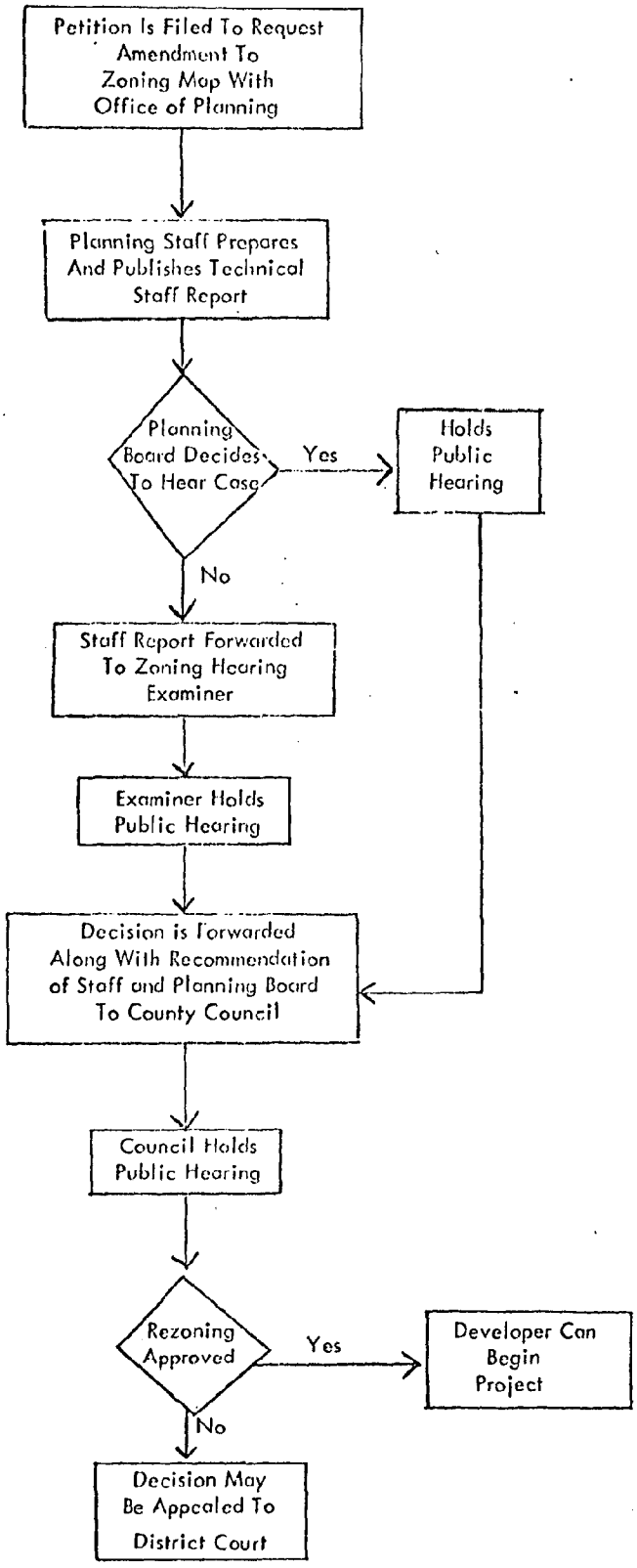
The following process is repeated three times -- for the Sketch Plan, the Preliminary Plan and the Final Plan.



Subdivision Development Approval Process
for Anne Arundel County, continued

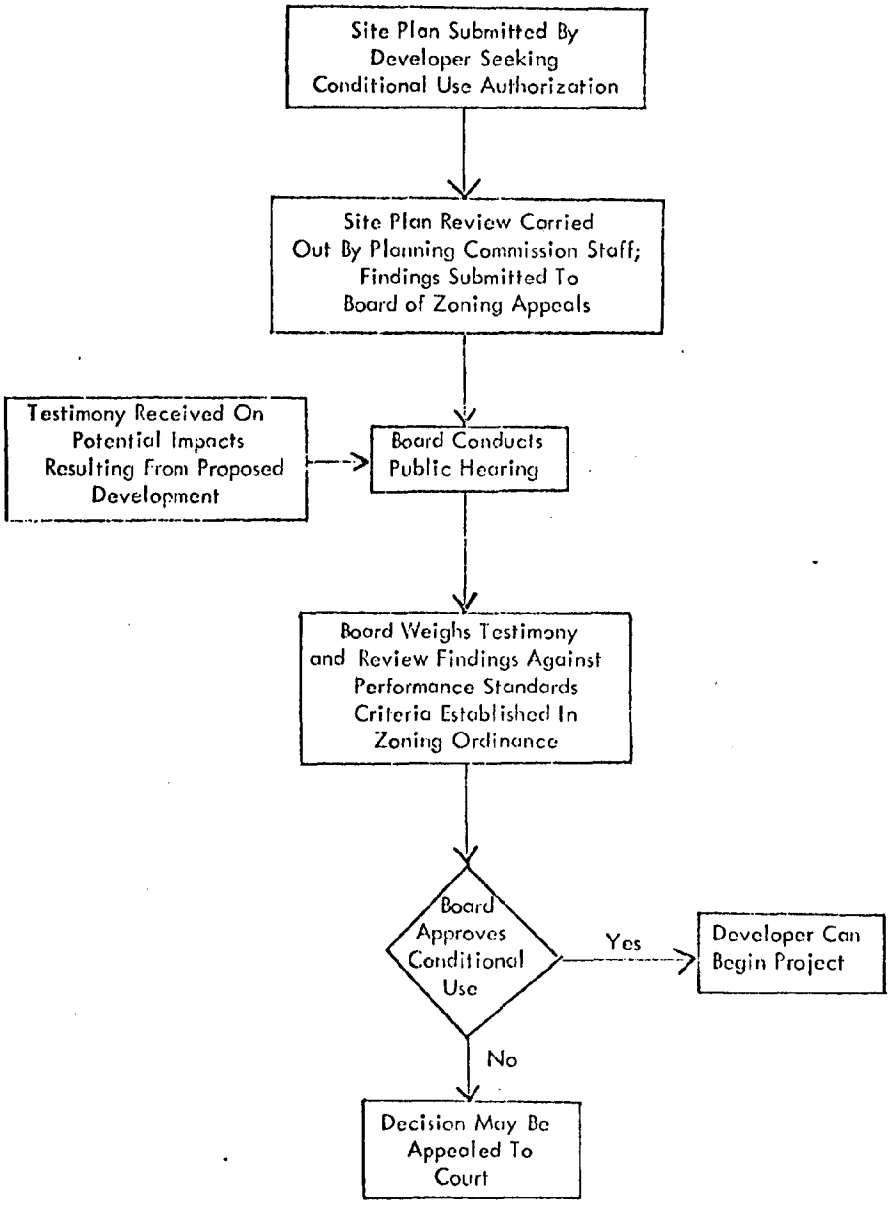


Rezoning Process For Prince George's County

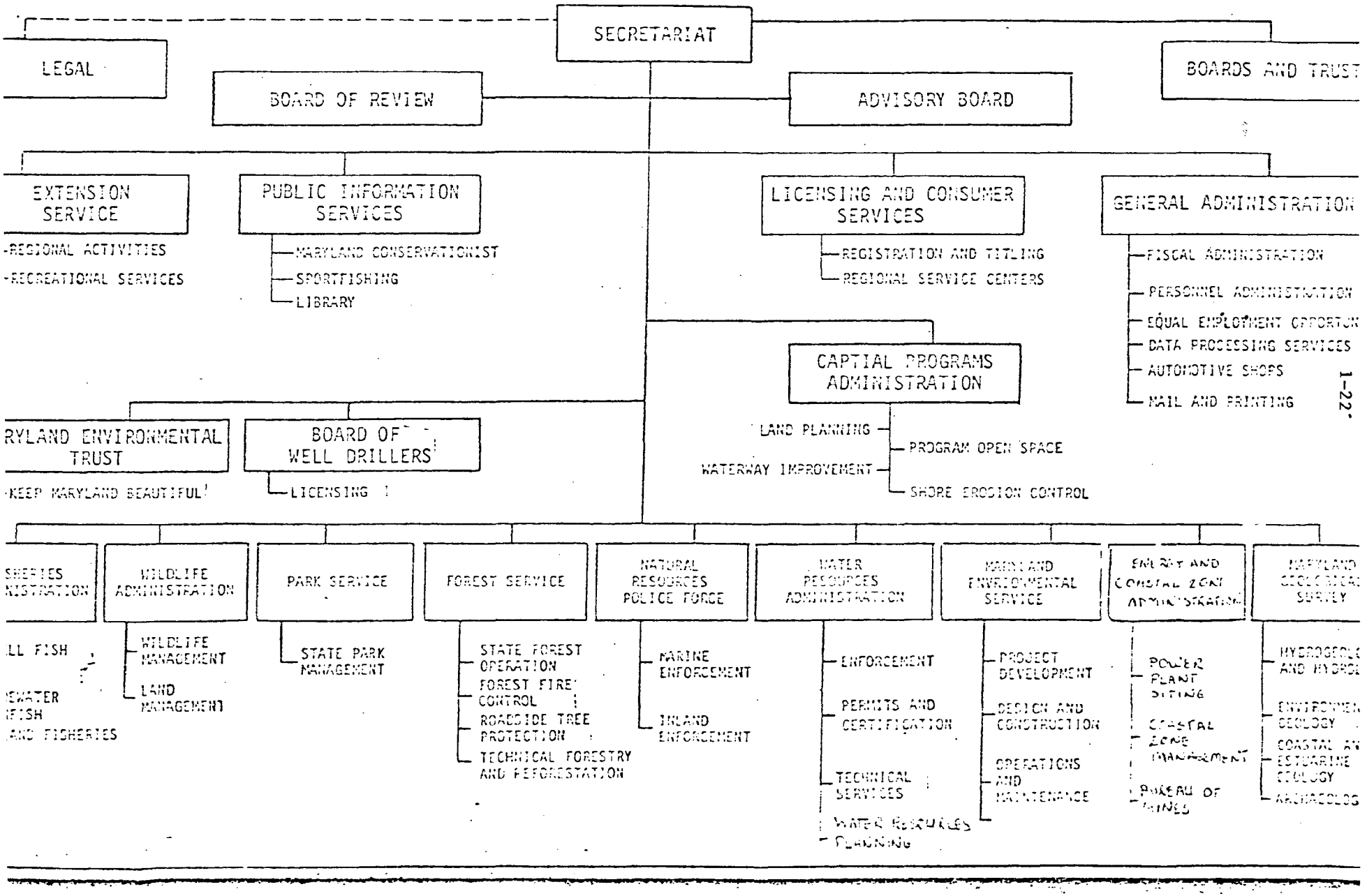


Impact Analysis Process (Conditional Uses) For

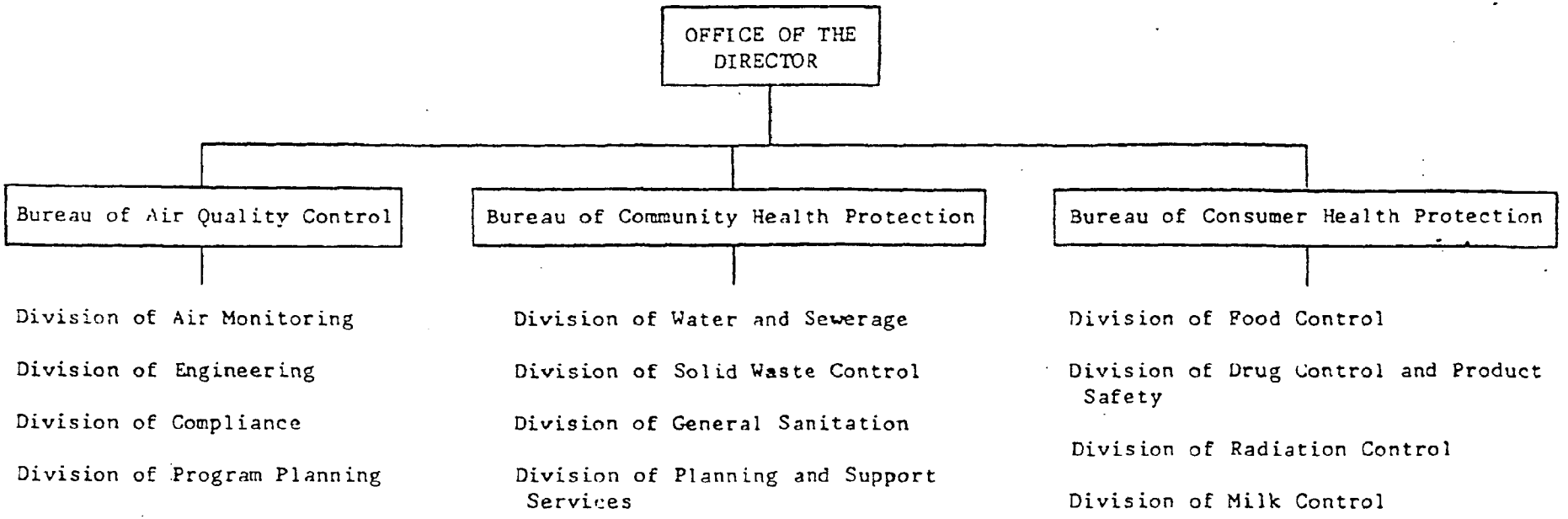
Worcester County



DNR Organizational Chart

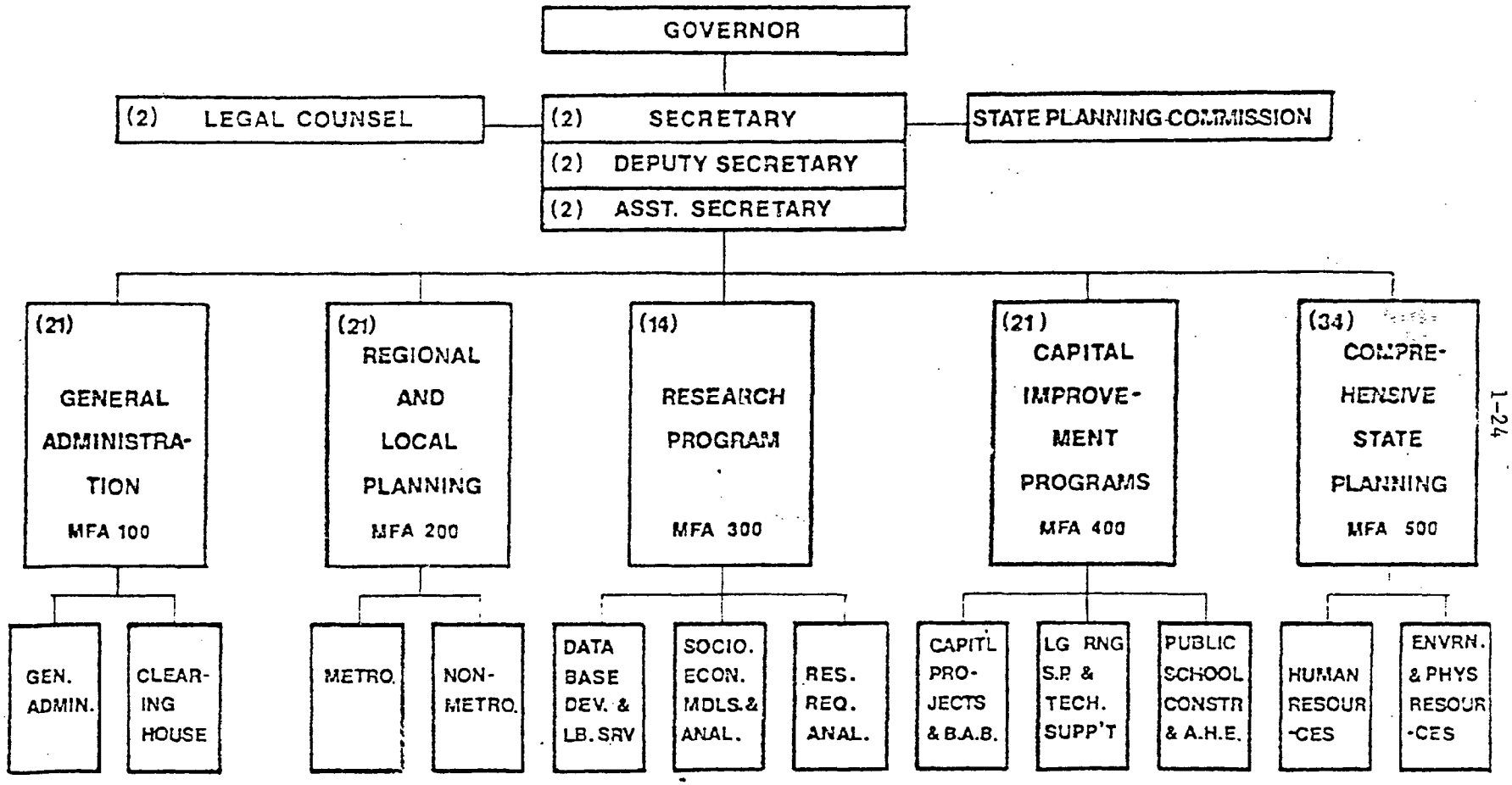


ENVIRONMENTAL HEALTH ADMINISTRATION



January, 1975 Note: The Bureau of Air Quality Control is now the Bureau of Air Quality and Noise Control, and contains a Noise Control Program. June, 1976.

ORGANIZATION OF THE DEPARTMENT OF STATE PLANNING



TOTAL NUMBER OF AUTHORIZED POSITIONS — (119)

Appendix II

The summary of responses presented here is intended to depict a range of representative concerns rather than to set forth a statistically accurate picture.

1) Eastern Shore - Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Worcester and Somerset Counties; the Cities of Salisbury and Ocean City.

. Do you feel your agency's regulatory programs effectively carry out and enforce the existing provisions of your comprehensive plan?

Most answers indicated that while there were adequate powers granted, application of these powers were insufficient in many areas.

Specific comments were:

- "A Comprehensive Plan is never totally implemented. In our county, there are two conflicting attitudes, often held by the same individuals, of the desire for development and the desire for the status quo. With that in mind, our Plan indicates a wish to retain and protect our natural areas, yet our zoning in some instances would allow too intensive development (mainly residential) to accomplish this. Because of a lack of development activity in the County, our zoning has been adequate, but may not be should a boom occur."

- "Our County does not have a Comprehensive Plan, though one is in the development phase. County regulatory measures are antiquated and not implemented on a consistent basis, the measures do not seek to achieve any County development policy.

- "Our City is in the process of adopting a new Comprehensive Plan and Zoning Ordinance. The present Plan and regulatory measures are not similar, the regulations do not implement or carry out the Plan."

- "No. It calls for Managed Growth and Development, but the zoning ordinance permits development in the preservation areas. (The master water and sewer plan is our best tool for control -- the County Commissioners must amend it to permit any new systems not in the plan.)"

- "Yes. The plan calls for a slow growth of light industrial or nonpolluting industries and the ordinances carry out this goal by permitting industries that show they have low polluting levels. We have little land zoned for industrial use."

- Do you feel your local government is equipped to handle the impacts from the onshore development of 1) a service or operations base, 2) a fabrication yard, 3) a pipe coating yard, 4) a refinery, 5) a gas plant, 6) an intermediate production terminal, 7) a storage tank farm, 8) a marine terminal and 9) pipelines with its present regulatory and planning powers?

  Answers to this line of questioning were reflective of the local zoning ordinance, for the most part, although there were other comments included.

  Specific comments were:

  - "No. Limited land available. Also, all are prohibited by ordinance."
  - "No. Inadequate provision for requiring impact evaluation."
  - "The present regulations for the County in most cases will permit the developments inherently in industrial districts. In cases of rezoning, there are provisions for an extensive review process with consideration of impacts. However, these provisions have never really been exercised."
  - "I doubt if we have the staff expertise or regulations to adequately evaluate the impact of such developments."
  - "We could accommodate small scale (less than 100-150 employees) service or related industries with low water and sewer demands. There are some larger (50-100 acre) sites available for industry, fairly good highway access (Route 50) and an underutilized labor force. The County is working to retain rail service."

- Do you feel the staff and budget of your agency are adequate 1) to effectively carry out existing regulatory programs under the present workload conditions and 2) to effectively cope with increased workloads which might occur from onshore OCS related development activities?

  While two counties felt that staff and budget were adequate under present workload conditions, the other jurisdictions held opposite views. In all cases, budgets were felt to be inadequate to cope with increased workloads related to OCS activities.

  Specific comments were:

- "1. We can't properly enforce all aspects of our ordinance with existing budget and staff. However, with the level of activity in our County being rather low, we can accomplish enough to keep most things in line. 2. If a major development were proposed, we would have to stop work on some present activities to properly act on the new proposal."

- "The staff time and budget are suitable to handle existing and future workloads. However, the expertise to properly address the issues and implications may be lacking. Assistance from State sources may provide needed expertise."

. How do you think the State of Maryland's Coastal Facilities Review Act will influence your local 1) planning responsibilities and 2) zoning decisions in relation to coastal development?

Answers to this question varied. More than half of the respondents indicated that they didn't know what influences that Act would have, or that it has had little effect. Others indicated a feeling that the Act should be of help.

Of the 27 opinion questionnaires completed, 12 respondents either had not heard of the Act or were uncertain about how it would work. One answer said, "No. The County has a tradition of doing as it pleases."

. Is approval for a zoning permit, building permit, septic tank permit, occupancy permit (and any other relevant permit) based solely on the fulfillment of minimum regulatory and planning requirements or is there a range of discretion used in making these decisions?

- "They must meet requirements as stated in the zoning ordinance."

- "Solely on meeting minimum provisions while there is some discretionary power -- it has not been exercised in the past."

- "The approval and issuance of those permits referenced above are based on the proposal meeting minimum standards set forth by applicable regulations. There is very little discretion used in the judgment of approving a permit."

- "The range of discretion varies with the type of facility or building or system proposed. It is the amount of discretion allowed by the law and which reasonably relates to the protection of the public health, safety and welfare as opposed to individual property rights."

- "Permitted uses, unless specifically stipulated, are issued quite directly."

- "Almost entirely, unless a site development plan is required. Then, only the site plan (not the use) is open for discretion."

2) Southern Maryland - St. Mary's, Charles, and Calvert Counties

. Do you feel your agency's regulatory programs effectively carry out and enforce the existing provisions of your comprehensive plan?

- Yes and no -- In no-growth issues, yes. In other areas no.

- Yes, through County ordinances and enforcement.

- Satisfactory at this point in time. Improvements are being developed.

. Do you feel your local government is equipped to handle the impacts from the onshore development of 1) a service or operations base, 2) a fabrication yard, 3) pipe coating yard, 4) a refinery, 5) a gas plant, 6) an intermediate production terminal, 7) a storage tank farm, 8) a marine terminal and 9) pipelines with its present regulatory and planning powers?

Specific answers were:

- Yes.

- 1) Qualified yes; 2) definitely no.

. How do you think the State of Maryland's Coastal Facilities Review Act will influence your local 1) planning responsibilities and 2) zoning decision in relation to coastal development?

Specific answers were:

- Definitely yes.

- Yes. It will create new studies and evaluations of future intended uses or new Statewide regulations.

. Is approval for a zoning permit, building permit, septic tank permit, occupancy permit (an any other relevant permit) based solely on the fulfillment of minimum regulatory and planning requirements or is there a range of discretion used in making these decisions?

- "No. Each permit is evaluated on its own as to use, compatibility of what effective conditions can be imposed to deal with the impact of the use."

- "Very little discretion permitted. Approvals given based on minimum requirements being met."

- "We have a very well structured and effective regulatory agency and very minimal planning."

3) Western Shore - Harford, Baltimore, Anne Arundel and Prince George's Counties and the City of Baltimore.

. Do you feel your agency's regulatory programs effectively carry out and enforce the existing provisions of your comprehensive plan?

All respondents answered in the affirmative and quite positively to this question.

One County representative said:

- "Yes. Even though changes in the comprehensive plan are anticipated, regulations by Zoning Ordinances, Floodplain Control, Sub-division Regulations, Air Quality Control, etc., will undoubtedly impose better and more effective controls than are prevalent."

. Do you feel your local government is equipped to handle the impacts from the onshore development of 1) a service or operations base, 2) a fabrication yard, 3) a pipe coating yard, 4) a refinery, 5) a gas plant, 6) an intermediate production terminal, 7) a storage tank farm, 8) a marine terminal and 9) pipelines with its present regulatory and planning powers?

In this particular part of the State of Maryland, the jurisdictions involved have substantial populations and economic activity and are quite positive about how they would view such potential impacts:

- "Yes, there may be the necessity to strengthen the physical infrastructure depending upon where and which use would be considered."

- "Yes. However, any significant proposal would encumber a great deal of time and staff effort and interfere with fiscal-year work program. This would require additional funds, personnel, etc."

- "The existing review process seems, at this time, adequate to deal with the impacts of onshore development. There is some question as to whether or not this type of development is desirable, but that issue seems to be separate from the adequacy of the review of major projects. An existing proposal for a refinery has been made and various master plans tested as to the ability of the City to absorb impacts."

- "We feel the County can presently handle the impacts from 1), 2), or 3) in a partially developed industrial area but the remaining uses are prohibited now and I foresee no change in the near future. The only way any use such as a pipeline would be permitted is if it is a public utility."

- "1. No, 2. Yes, 3. Yes -- with State and Federal monitoring and support, 4. and 5. In certain areas -- if APG (Aberdeen Proving Ground) were to cooperate by allotting acreage. Problems in existing rural and urban, 6. Same as 4 and 5, 7. Yes, 8. Yes -- but only if APG were considered, 9. Yes."

- "Generally, yes -- however, each individual use will be weighed, considered and acted upon by the specifics in question -- the people, (taxpayers) have relied upon Aberdeen Proving Ground and Edgewood Arsenal for too many years without creating independent industry -- self-supporting even if such industry is non-taxpaying (exempt) the generating of needs, supplies, housing, services should become a benefit."

- "No. Our town does not have the available area to handle such facilities. Transportation problems exist. Sewer, and water availability will be a problem at least within the next decade."

. Do you feel the staff and budget of your agency are adequate 1) to effectively carry out existing regulatory programs under the present workload conditions and 2) to effectively cope with increased workloads which might occur from onshore OCS related development activities?

- "1. Yes, but would depend on specific program and may take longer than desired. 2. Yes, however, would depend on magnitude."

- "Our enforcement division will probably need some additional people, training and regulations. We have recently gotten this section up to full complement for the first time in several years and are now able to handle present workload conditions."

- "There is not adequate staff within this department or within the City structure to deal with specific, specialized projects which are related to OCS development."

- "No. It depends on the magnitude of the proposal and what economic returns can be anticipated. Certainly a refinery would be a lot different than pipelines transversing the County."

- "No -- as usual, the increased responsibilities will require more staff, thus more cost and budget increases; and

1. Present technical staff would require supplementation -- environmentalists particularly.

2. No."

. How do you think the State of Maryland's Coastal Facilities Review Act will influence your local 1) planning responsibilities and 2) zoning decisions in relation to coastal development?

- "1. It should make decisions relatively easier with environmental information more readily available. 2. Will provide adequate information from which the Hearing Authorities can make appropriate decisions."

- "It will be considered but local concerns will be more definitive in both planning and zoning decisions."

- "To set guidelines, standards for review of plans, development, etc., bu both public and private. To guide development in a reasonable relationship with facilities. To maintain fiscal responsibility."

- "To guide growth and development in a sequence (staging) that is fiscally, environmentally, socially sound as to improve the quality of life and to decrease public costs for facilities."

- "Yes -- I am certain that close review should be, and will become a part of the normal process if our County is to become involved in OCS activities; and

  1. Yes.
  2. Yes.

  Technical aid and review also professional opinions."

. Is approval for a zoning permit, building permit, septic tank permit, (and any other relevant permit) based solely on the fulfillment of minimum regulatory and planning requirements or is there a range of discretion used in making these decisions?

- "Some discretionary power is available and used -- conditional uses. However, the existing regulations, which are not always minimum, regulate approvals."

- "In some cases it is YES. Such as occupancy permits in zoning, septic tank and building permits discretion is used."

- "The standards are set forth as minimum standards and the discretionary power is minimal, especially as related to requiring more than the minimum standard."

- "Very little discretion -- regulations strict and rigid."

- "Minimum requirements are generally used although there is a range of discretion which can be utilized."

x - Yes

0 - No

Appendix III

STATUS OF COUNTY PLANNING AND ZONING

County	Plan	Zoning	Subdivision Regulations	Building Code	P&Z Staff +	Budget FY 75
Anne Arundel	X	X	X	X	42	$ 600,000
Baltimore City	X	X	X	X	121	1,580,000
Baltimore County	X	X	X	X	67	1,000,000
Harford	X*	X	X	X	18	282,000
Prince George's	X	X	X	X	117	2,000,000
Calvert	X	X	X	X	4	64,000
Charles	X	X	X	X	5	87,000
St. Mary's	X	X	X	0	8	87,000
Caroline	X	X	X	0	2	18,000
Cecil	X	X*	X	X	5	59,000
Kent	X	X	X	0	3	35,000
Queen Anne's	X*	X	X	0	4	38,000
Talbot	X	X	X	0	4	42,000
Dorchester	X	X*	X	0	6	60,000
Somerset	X	X*	0*	0	3	41,000
Wicomico	X*	X	X	X	10	124,000
Worchester	X*	X*	X	0	5	71,000

+ For metropolitan counties, figure includes professional and non-professional staff.
For non-metropolitan counties, figure includes professional and non-professional planning and zoning staff

* Currently in adoption process

Source: Directory of Maryland Planning Agencies, 1975, Dept. of State Planning

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