

February 22, 2023

The Honorable Kumar P. Barve
Chair, House Environment and Transportation Committee
Room 251, House Office Building
Annapolis MD 21401

***RE: Letter of Information with Amendments – House Bill 607 – Water Pollution Control –
Discharge Permits – Stormwater Associated with Construction Activity***

Dear Chair Barve and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 607 but offers the following information and amendments for the Committee's consideration.

House Bill 607 would prohibit the Maryland Department of Environment (MDE) from issuing general discharge permits for the discharge of stormwater associated with construction activity for certain types of construction sites. MDE would be authorized to issue individual permits.

As House Bill 607 is drafted, it is unclear if the definition of "permit holder" applies to the State. Currently, MDOT State Highway Administration (SHA) is the permit holder of general discharge permits issued by MDE to regulate stormwater runoff associated with highway construction projects. House Bill 607 states that individual permits would be issued to individual persons and MDOT interprets this to mean individual employees within the agency will hold the permit. The MDOT respectfully requests clarification on whether House Bill 607 applies to State agencies.

Should House Bill 607 be written to apply to State agencies, MDOT respectfully requests the agencies be exempted and allow for the issuance of general permits. As written, the individual permit holder could be held liable to penalties because of potential permit violations. In addition, the timeline for issuance of individual permits is longer than for the general permits. The estimated turnaround time for a general permit is 45 days, while it is 75 days for an individual permit. These turnaround times can be extended if a public hearing is required, and that process can be extensive. This timing delay has the potential to significantly impact the delivery of transportation projects.

The Maryland Department of Transportation respectfully requests the Committee consider this information as it deliberates on House Bill 607.

Respectfully submitted,

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