

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/14/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/16/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

26 08 04 09-1

3. Name of Promulgating Authority

Department of the Environment

4. Name of Regulations Coordinator

Ed Hammerberg

Telephone Number

(410) 537-3356

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1800 Washington Blvd.

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5. Name of Person to Call About this Document

Christopher Ralston

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410-537-3470

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6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: 9/2/2015.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Priscilla Carroll, Assistant Attorney General, (telephone #410-537-3039) on 9/11/2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Benjamin H. Grumbles

Title

Secretary

Telephone No.

410-537-4187

Date

9/11/2015

Title 26
DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

26.08.04 Permits

Authority: Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330, Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of the Environment proposes to amend Regulation .09-1 under COMAR 26.08.04 Permits.

Statement of Purpose

The purpose of this action is to eliminate annual fees related to certain general discharge permits issued by the Oil Control Program.

The amendments address the following topic:

- Notice of Intent coverage under General Discharge Permits for Storm Water and Hydrostatic Test Water from an Oil Terminal and Treated Groundwater. The annual fee of \$120 is being eliminated for coverage under both General Discharge Permits.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The fiscal impact of eliminating the annual Notice of Intent (NOI) fee associated with the General Discharge Permits for the discharge of storm water and hydrostatic test water from oil terminals and for treated ground water from oil-contaminated ground water sources is expected to be approximately \$11,000 annually (i.e. \$44,000 over four years). The dischargers requesting coverage under these two General Discharge Permits will continue to submit an application fee along with the NOI Application every five years as MDE renews its permits (i.e. the MDE's General Discharge Permits are approved for five years by the EPA). The affected industry will benefit by not having to pay these fees.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure (E+/E-) Magnitude

A. On issuing agency:	(R-)	\$11,000 annually
B. On other State agencies:	NONE	
C. On local governments:	NONE	

Benefit (+)	Magnitude
Cost (-)	

D. On regulated industries or trade groups:	(+)	\$11,000 annually
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

- A. The proposed amendments will be able to be implemented using existing resources.
- B. Other State agencies are not generally engaged in the activities affected by the proposed amendments.
- C. Local governments are not generally engaged in the activities affected by the proposed amendments.
- D. Persons who seek coverage under the two discharge permits issued by the Oil Control Program will no longer pay the annual fee.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.
 Small Business Analysis Worksheet

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses?

The intended beneficiaries are primarily businesses.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

Not applicable.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

The intended beneficiaries are generally businesses. It is estimated that 25% to 50% of these businesses may be considered small businesses. There are 98 companies that have coverage under the Oil Control Program's General Discharge Permits. Based on the projected revenue reduction and the estimated number of affected small businesses, there is a projected annual savings of \$2,750 to \$5,500 to the small business community in Maryland. The present total payroll or total employment of these small businesses cannot be estimated.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

Disproportionate adverse impacts on Maryland small businesses are not expected.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

The expected positive impacts on small businesses as a result of the proposed action are the savings in annual fees discussed in 1c.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland

small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

No long-term aggravating or mitigating impacts are expected.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

The impacts in the stated categories are expected to be minimal, if any.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Christopher Ralston, Program Administrator, Oil Control Program, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 610, Baltimore, Maryland 21230-1720, or call 410-537-3470, or email to chris.ralston@maryland.gov, or fax to 410-537-3092. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special: Maryland Clean Water Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Small Business Analysis Worksheet

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Not applicable.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

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Attached Document:

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 08 WATER POLLUTION

Chapter 04 Permits

Authority: Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330, Annotated Code of Maryland

.09-1 Fees for General Discharge Permits.

A.—J. (text unchanged)

K. Storm Water and Hydrostatic Test Water from an Oil Terminal and Treated Ground Water NOI Fees.

[(1)] A person who intends to obtain coverage under the general discharge permit for storm water and hydrostatic test water from oil terminals or the general discharge permit for treated ground water from oil-contaminated ground water sources shall submit to the Department a fee of \$120 [per year] *with the NOI*.

[(2)] The fee shall be submitted with the NOI application and every July 1 after that.

[(3)] Fees may be prorated on a monthly basis.]