
By: Delegates Taylor, Guns, Dewberry, Hurson, Arnick, Busch, Curran, Harrison, Hixson, Kopp, Menes, Owings, Rawlings, and Vallario

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Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 1997

CHAPTER ____

1 AN ACT concerning

2 **Review of License and Permit Applications - Timing of Review by the Department of the**
3 **Environment**

4 FOR the purpose of requiring the Maryland Department of the Environment to publish,
5 on or before a certain date, a list of licenses and permits that can be issued within
6 a certain period of time after receiving a completed application; requiring the
7 Department to publish, on or before a certain date, expected license and permit
8 review times for certain programs; requiring the Department to offer, on or before
9 a certain date, certain assistance and information; requiring the Department to
10 provide certain notice to an applicant for certain permits; requiring the notice to
11 contain certain information if requested by the applicant; authorizing certain
12 applicants to apply to the Department for a refund of an application fee under
13 certain circumstances; requiring the Secretary of the Department of the
14 Environment or the Secretary's designee to review a refund request and make a
15 certain determination; requiring the Department to provide a certain applicant with
16 certain information if the Secretary denies a refund request; requiring the
17 Department to report to the General Assembly on or before a certain date; and
18 generally relating to the issuance of licenses and permits by the Department of the
19 Environment.

20 BY adding to

21 Article - Environment

22 Section 1-607

23 Annotated Code of Maryland

24 (1996 Replacement Volume and 1996 Supplement)

2

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Environment**

4 1-607.

5 (A) THIS SUBSECTION APPLIES TO APPLICATIONS FOR ALL LICENSES AND
6 PERMITS ISSUED, OR REQUIRED TO BE REISSUED, BY THE DEPARTMENT.

7 ~~(1) ON OR BEFORE OCTOBER 1, 1997, IN CONSULTATION WITH~~
8 ~~INTERESTED PARTIES, THE DEPARTMENT SHALL PUBLISH A LIST OF LICENSES AND~~
9 ~~PERMITS THAT THE DEPARTMENT CAN ISSUE WITHIN 30 DAYS AFTER RECEIVING A~~
10 ~~COMPLETED APPLICATION.~~

11 ~~(2)~~ (1) ON OR BEFORE JANUARY 1, 1998, AND EACH YEAR
12 THEREAFTER, IN CONSULTATION WITH INTERESTED PARTIES, THE DEPARTMENT
13 SHALL PUBLISH EXPECTED REVIEW TIMES FOR EACH LICENSING AND PERMITTING
14 PROGRAM.

15 ~~(3)~~ (2) ON OR BEFORE JANUARY 1, 1998, FOR EACH LICENSING AND
16 PERMITTING PROGRAM, THE DEPARTMENT SHALL OFFER ASSISTANCE AND
17 INFORMATION TO PERSONS WHICH MAY INCLUDE:

18 (I) WRITTEN LISTS OF INFORMATION AND MATERIALS REQUIRED
19 WITH APPLICATIONS;

20 (II) WRITTEN LISTS OF COMMON APPLICATION QUESTIONS AND
21 MISTAKES;

22 (III) PREAPPLICATION MEETINGS WITH PROSPECTIVE APPLICANT
23 TO ADDRESS TECHNICAL ISSUES;

24 (IV) WRITTEN RECEIPTS TO THE APPLICANT UPON SUBMISSION OF
25 AN APPLICATION; AND

26 (V) THE STATUS OF ACTIVE APPLICATIONS.

27 (B) (1) THIS SUBSECTION APPLIES TO PERMITS WHICH ARE IDENTIFIED IN §
28 1-601(A) OF THIS SUBTITLE.

29 (2) THE DEPARTMENT SHALL PROVIDE TO THE APPLICANT:

30 ~~(I) A NOTICE OF COMPLETED APPLICATION TO THE APPLICANT;~~
31 OR

32 (II) IF THE DEPARTMENT DETERMINES THAT THE APPLICATION IS
33 INCOMPLETE, THE REASONS, IN WRITING, THAT THE APPLICATION WAS
34 DETERMINED TO BE INCOMPLETE.

35 (3) THE NOTICE OF COMPLETED APPLICATION SHALL INCLUDE AN
36 ESTIMATED TIME FOR ISSUANCE OF THE TENTATIVE DETERMINATION IF
37 REQUESTED BY THE APPLICANT.

3

1 (4) A PERMIT APPLICANT MAY APPLY TO THE DEPARTMENT FOR A
2 REFUND OF ALL OR A PORTION OF THE APPLICATION FEE IF:

3 (I) THE DEPARTMENT FAILS TO ISSUE A TENTATIVE
4 DETERMINATION REGARDING THE APPLICATION WITHIN THE ESTIMATED TIME
5 PROVIDED IN THE NOTICE OF COMPLETED APPLICATION;

6 (II) THE APPLICANT DEMONSTRATES THAT THE DELAY WAS
7 CAUSED SOLELY BY THE DEPARTMENT AND WAS NOT THE RESULT OF PROCEDURES
8 OR REQUIREMENTS OUTSIDE CONTROL OF THE DEPARTMENT, INCLUDING:

9 1. REVIEWS BY FEDERAL, LOCAL, OR OTHER STATE
10 GOVERNMENT AGENCIES;

11 2. PROCEDURES FOR PUBLIC PARTICIPATION; OR

12 3. THE FAILURE OF THE APPLICANT TO SUBMIT
13 INFORMATION TO THE DEPARTMENT IN A TIMELY MANNER; AND

14 (III) THE APPLICANT APPLIES TO THE DEPARTMENT WITHIN 60
15 DAYS AFTER THE ESTIMATED TIME FOR ISSUANCE OF A TENTATIVE
16 DETERMINATION.

17 (5) THE SECRETARY, OR THE SECRETARY'S DESIGNEE, SHALL REVIEW
18 THE REFUND REQUEST AND DETERMINE IF A REFUND OF ANY AMOUNT IS
19 APPROPRIATE.

20 (6) IF THE SECRETARY DENIES THE REFUND REQUEST, THE
21 DEPARTMENT SHALL PROVIDE THE APPLICANT A WRITTEN EXPLANATION OF THE
22 DENIAL AND OF THE PROCEDURES AND REQUIREMENTS OUTSIDE THE CONTROL OF
23 THE DEPARTMENT ON WHICH THE DENIAL WAS BASED WITHIN 60 DAYS.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the
25 Environment shall submit a report to the House Environmental Matters Committee and
26 the Senate Economic and Environmental Affairs Committee on or before November 1,
27 1998. The report shall include the following:

28 (a) The percentage of licenses and permits that were issued within the published
29 review times required by § 1-607(a)(2) of the Environment Article;

30 (b) The number of refund requests received under § 1-607(b)(4) of the
31 Environment Article;

32 (c) The number of refund requests received under § 1-607(b)(4) of the
33 Environment Article that were denied by the Secretary of the Environment or the
34 Secretary's designee;

35 (d) A summary of input from interested parties regarding the licensing and
36 permitting processes; and

37 (e) Descriptions of the Department's activities to streamline and improve the
38 licensing and permitting processes.

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1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1997.