

HOUSE BILL 80

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HB 424/98 - ENV

1999 Regular Session  
9lr0942

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By: **Delegates T. Murphy and McHale**  
Introduced and read first time: January 20, 1999  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Environmental Permits - Violations - Prohibition of Transfer**

3 FOR the purpose of prohibiting the holder of a Maryland Department of the  
4 Environment permit from renewing, conveying, or transferring that permit to  
5 certain other persons under certain conditions; and generally relating to permits  
6 issued by the Department of the Environment.

7 BY repealing and reenacting, with amendments,  
8 Article - Environment  
9 Section 1-607  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1998 Supplement)

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

14 **Article - Environment**

15 1-607.

16 (a) This subsection applies to applications for all licenses and permits issued,  
17 or required to be reissued, by the Department.

18 (1) On or before January 1, 1998, and each year thereafter, in  
19 consultation with interested parties, the Department shall publish expected review  
20 times for each licensing and permitting program.

21 (2) On or before January 1, 1998, for each licensing and permitting  
22 program, the Department shall offer assistance and information to persons which  
23 may include:

24 (i) Written lists of information and materials required with  
25 applications;

26 (ii) Written lists of common application questions and mistakes;

- 1 (iii) Preapplication meetings with prospective applicant to address  
2 technical issues;
- 3 (iv) Written receipts to the applicant upon submission of an  
4 application; and
- 5 (v) The status of active applications.
- 6 (b) (1) This subsection applies to permits which are identified in § 1-601(a)  
7 of this subtitle.
- 8 (2) The Department shall provide to the applicant:
- 9 (i) A notice of completed application; or
- 10 (ii) If the Department determines that the application is  
11 incomplete, the reasons, in writing, that the application was determined to be  
12 incomplete.
- 13 (3) The notice of completed application shall include an estimated time  
14 for issuance of the tentative determination if requested by the applicant.
- 15 (4) A permit applicant may apply to the Department for a refund of all or  
16 a portion of the application fee if:
- 17 (i) The Department fails to issue a tentative determination  
18 regarding the application within the estimated time provided in the notice of  
19 completed application;
- 20 (ii) The applicant demonstrates that the delay was caused solely by  
21 the Department and was not the result of procedures or requirements outside control  
22 of the Department, including:
- 23 1. Reviews by federal, local, or other State government  
24 agencies;
- 25 2. Procedures for public participation; or
- 26 3. The failure of the applicant to submit information to the  
27 Department in a timely manner; and
- 28 (iii) The applicant applies to the Department within 60 days after  
29 the estimated time for issuance of a tentative determination.
- 30 (5) The Secretary, or the Secretary's designee, shall review the refund  
31 request and determine if a refund of any amount is appropriate.
- 32 (6) If the Secretary denies the refund request, the Department shall  
33 provide the applicant a written explanation of the denial and of the procedures and  
34 requirements outside the control of the Department on which the denial was based  
35 within 60 days.

1 (C) (1) THIS SECTION APPLIES TO ALL PERMITS WHICH ARE ISSUED BY THE  
2 DEPARTMENT AND ARE ELIGIBLE TO BE RENEWED, CONVEYED, OR TRANSFERRED  
3 BY THE HOLDER.

4 (2) THE DEPARTMENT MAY NOT GRANT A RENEWAL, CONVEYANCE, OR  
5 TRANSFER OF A PERMIT IF THE HOLDER OF THE PERMIT HAS RECEIVED FROM THE  
6 DEPARTMENT ALLEGATIONS OF A VIOLATION OF THE TERMS OF THAT PERMIT, IS  
7 CURRENTLY IN DISPUTE WITH THE DEPARTMENT FOR VIOLATION OF THE TERMS OF  
8 THAT PERMIT, OR IS INVOLVED IN LITIGATION WITH THE DEPARTMENT FOR  
9 VIOLATION OF THE TERMS OF THAT PERMIT.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1999.