
By: **Senator Frosh**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Permit Renewals**

3 FOR the purpose of requiring applicants for renewal of certain permits issued by the
4 Department of the Environment to submit applications at least a certain period
5 of time before the expiration of the existing permit; allowing the Department to
6 accept certain late applications under certain circumstances; requiring the
7 Department to complete review of certain renewal applications within a certain
8 period of time after receiving the applications, subject to certain exceptions;
9 requiring the Department to publish certain notice of certain pending
10 applications in the Maryland Register; establishing fees for certain permits; and
11 generally relating to applications and administration of permit renewals by the
12 Department of the Environment.

13 BY repealing and reenacting, with amendments,
14 Article - Environment
15 Section 2-401, 7-238, 9-213, and 9-328
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1998 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - State Government
20 Section 10-226
21 Annotated Code of Maryland
22 (1995 Replacement Volume and 1998 Supplement)

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

1 **Article - Environment**

2 2-401.

3 (A) Except as provided in § 2-402 of this subtitle, the Department may adopt
4 regulations that require a permit or registration before a person constructs, modifies,
5 operates, or uses a source that may cause or control emissions into the air.

6 (B) BEFORE A PERMIT ISSUED UNDER THIS SECTION EXPIRES, THE
7 DEPARTMENT MAY RENEW THE PERMIT FOR ANOTHER TERM:

8 (1) AFTER ADMINISTRATIVE REVIEW BY THE DEPARTMENT UNDER
9 DEPARTMENT REGULATIONS;

10 (2) ON CONDITION THAT THE EMISSIONS MEET OR WILL MEET ALL
11 APPLICABLE:

12 (I) STATE AND FEDERAL AIR QUALITY STANDARDS AND
13 LIMITATIONS; AND

14 (II) REQUIREMENTS OF THIS SUBTITLE; AND

15 (3) SUBJECT TO PAYMENT BY THE APPLICANT OF ALL APPLICATION AND
16 PERMIT FEES ASSESSED BY THE DEPARTMENT UNDER THIS SUBTITLE.

17 (C) (1) NOTWITHSTANDING § 10-226 OF THE STATE GOVERNMENT ARTICLE,
18 A COMPLETE RENEWAL APPLICATION MUST BE RECEIVED BY THE DEPARTMENT AT
19 LEAST 12 MONTHS BEFORE THE EXPIRATION DATE OF THE PERMIT.

20 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE
21 DEPARTMENT MAY, IN ITS SOLE DISCRETION, ACCEPT A LATE APPLICATION FOR
22 RENEWAL FROM AN APPLICANT THAT DEMONSTRATES THAT THE APPLICANT DID
23 NOT ANTICIPATE THE NEED TO RENEW THE PERMIT 12 MONTHS BEFORE THE
24 PERMIT WAS TO EXPIRE.

25 (D) (1) UNLESS THE DEPARTMENT STATES AN ACCEPTABLE REASON FOR
26 FAILING TO COMPLY WITH THIS SUBSECTION, THE DEPARTMENT SHALL COMPLETE
27 ITS REVIEW OF THE RENEWAL APPLICATION WITHIN 12 MONTHS AFTER RECEIVING
28 THE APPLICATION.

29 (2) AN ACCEPTABLE REASON FOR FAILURE TO COMPLY WITH THIS
30 SUBSECTION, AS DETERMINED BY THE DEPARTMENT IN ITS SOLE DISCRETION,
31 INCLUDES:

32 (I) COMPLICATED TECHNICAL ISSUES PRESENTED BY THE
33 APPLICATION;

34 (II) A PENDING CHANGE IN STATE OR FEDERAL LAW THAT
35 DIRECTLY AFFECTS THE PERMIT AND WILL SOON BECOME FINAL;

1 (III) A PENDING CHANGE IN STATE REGULATION THAT DIRECTLY
2 AFFECTS THE PERMIT AND WILL SOON BECOME FINAL; AND

3 (IV) THE DEPARTMENT'S INVOLVEMENT IN AN ONGOING
4 ENFORCEMENT ACTION AGAINST THE PERMIT HOLDER THAT COULD AFFECT THE
5 TERMS OF THE RENEWAL.

6 (E) EVERY 6 MONTHS, THE DEPARTMENT SHALL PUBLISH A NOTICE IN THE
7 MARYLAND REGISTER LISTING THE STATUS OF ALL PERMIT RENEWALS SUBJECT TO
8 THIS SECTION AND THE ACCEPTABLE REASON FOR DELAY, IF ANY, IN COMPLETING A
9 PERMIT RENEWAL UNDER THIS SECTION.

10 7-238.

11 (a) (1) Unless it is renewed for another term, a facility permit expires on the
12 expiration date the Department specifies at issuance or renewal.

13 (2) Unless the controlled hazardous substance facility is a low-level
14 nuclear waste facility, the Department may not issue a facility permit for a term
15 longer than 5 years. The Department may issue a low-level nuclear waste facility
16 permit for a term not longer than 5 years.

17 (b) The Department may renew a facility permit if the permit holder:

18 (1) Has complied with all appropriate rules and regulations;

19 (2) Pays to the Department the renewal fee set by the Department; and

20 (3) Submits to the Department a renewal application on the form the
21 Department requires.

22 (C) (1) NOTWITHSTANDING § 10-226 OF THE STATE GOVERNMENT ARTICLE,
23 A COMPLETE RENEWAL APPLICATION MUST BE RECEIVED BY THE DEPARTMENT AT
24 LEAST 12 MONTHS BEFORE THE EXPIRATION DATE OF THE FACILITY PERMIT.

25 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE
26 DEPARTMENT MAY, IN ITS SOLE DISCRETION, ACCEPT A LATE APPLICATION FOR
27 RENEWAL FROM AN APPLICANT THAT DEMONSTRATES THAT THE APPLICANT DID
28 NOT ANTICIPATE THE NEED TO RENEW THE PERMIT 12 MONTHS BEFORE THE
29 PERMIT WAS TO EXPIRE.

30 (D) (1) UNLESS THE DEPARTMENT STATES AN ACCEPTABLE REASON FOR
31 FAILING TO COMPLY WITH THIS SUBSECTION, THE DEPARTMENT SHALL COMPLETE
32 ITS REVIEW OF THE RENEWAL APPLICATION WITHIN 12 MONTHS AFTER RECEIVING
33 THE APPLICATION.

34 (2) AN ACCEPTABLE REASON FOR FAILURE TO COMPLY WITH THIS
35 SUBSECTION, AS DETERMINED BY THE DEPARTMENT IN ITS SOLE DISCRETION,
36 INCLUDES:

1 (I) COMPLICATED TECHNICAL ISSUES PRESENTED BY THE
2 APPLICATION;

3 (II) A PENDING CHANGE IN STATE OR FEDERAL LAW THAT
4 DIRECTLY AFFECTS THE FACILITY PERMIT AND WILL SOON BECOME FINAL;

5 (III) A PENDING CHANGE IN STATE REGULATION THAT DIRECTLY
6 AFFECTS THE FACILITY PERMIT AND WILL SOON BECOME FINAL; AND

7 (IV) THE DEPARTMENT'S INVOLVEMENT IN AN ONGOING
8 ENFORCEMENT ACTION AGAINST THE HOLDER OF THE FACILITY PERMIT THAT
9 COULD AFFECT THE TERMS OF THE RENEWAL.

10 (E) EVERY 6 MONTHS, THE DEPARTMENT SHALL PUBLISH A NOTICE IN THE
11 MARYLAND REGISTER LISTING THE STATUS OF ALL FACILITY PERMIT RENEWALS
12 SUBJECT TO THIS SECTION AND THE ACCEPTABLE REASON FOR DELAY, IF ANY, IN
13 COMPLETING A PERMIT RENEWAL UNDER THIS SECTION.

14 9-213.

15 (a) A permit for a landfill system expires on the 5th anniversary of its date of
16 issue, unless the permit is renewed for a 5-year term as provided in this section.

17 (b) Before a permit for a landfill system expires, the permit holder may renew
18 it for an additional 5-year term, if the permit holder:

19 (1) Submits to the Department a renewal application on the form that
20 the Department requires;

21 (2) Gives notice, by certified mail, of the renewal application to each
22 member of the General Assembly in whose district the landfill system is located; and

23 (3) Obtains the written approval of the Department.

24 (C) (1) AN APPLICANT FOR A PERMIT FOR A LANDFILL SYSTEM OR A PERMIT
25 RENEWAL UNDER THIS SECTION SHALL PAY TO THE DEPARTMENT AN APPLICATION
26 FEE OF \$2,000 WITH THE PERMIT APPLICATION.

27 (2) IF THE DIRECT COSTS TO THE DEPARTMENT OF REVIEWING THE
28 PERMIT APPLICATION OR RENEWAL UNDER THIS SECTION:

29 (I) EXCEED \$2,000, THE DEPARTMENT SHALL REQUIRE THE
30 APPLICANT TO PAY THE ADDITIONAL DIRECT COSTS TO THE DEPARTMENT; OR

31 (II) ARE LESS THAN \$2,000, THE DEPARTMENT SHALL REFUND TO
32 THE APPLICANT THE DIFFERENCE BETWEEN THE DIRECT COSTS INCURRED AND
33 THE APPLICATION FEE.

34 (3) FEES COLLECTED UNDER THIS SUBSECTION SHALL BE USED FOR
35 ACTIVITIES RELATED TO THE MANAGEMENT OF LANDFILLS.

1 (D) (1) NOTWITHSTANDING § 10-226 OF THE STATE GOVERNMENT ARTICLE,
2 A COMPLETE RENEWAL APPLICATION MUST BE RECEIVED BY THE DEPARTMENT AT
3 LEAST 12 MONTHS BEFORE THE EXPIRATION DATE OF THE PERMIT.

4 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE
5 DEPARTMENT MAY, IN ITS SOLE DISCRETION, ACCEPT A LATE APPLICATION FOR
6 RENEWAL FROM AN APPLICANT THAT DEMONSTRATES THAT THE APPLICANT DID
7 NOT ANTICIPATE THE NEED TO RENEW THE LANDFILL SYSTEMS PERMIT 12 MONTHS
8 BEFORE THE PERMIT WAS TO EXPIRE.

9 (E) (1) UNLESS THE DEPARTMENT STATES AN ACCEPTABLE REASON FOR
10 FAILING TO COMPLY WITH THIS SUBSECTION, THE DEPARTMENT SHALL COMPLETE
11 ITS REVIEW OF THE RENEWAL APPLICATION WITHIN 12 MONTHS AFTER RECEIVING
12 THE APPLICATION.

13 (2) AN ACCEPTABLE REASON FOR FAILURE TO COMPLY WITH THIS
14 SUBSECTION, AS DETERMINED BY THE DEPARTMENT IN ITS SOLE DISCRETION,
15 INCLUDES:

16 (I) COMPLICATED TECHNICAL ISSUES PRESENTED BY THE
17 APPLICATION;

18 (II) A PENDING CHANGE IN STATE OR FEDERAL LAW THAT
19 DIRECTLY AFFECTS THE PERMIT AND WILL SOON BECOME FINAL;

20 (III) A PENDING CHANGE IN STATE REGULATION THAT DIRECTLY
21 AFFECTS THE PERMIT AND WILL SOON BECOME FINAL; AND

22 (IV) THE DEPARTMENT'S INVOLVEMENT IN AN ONGOING
23 ENFORCEMENT ACTION AGAINST THE PERMIT HOLDER THAT COULD AFFECT THE
24 TERMS OF THE RENEWAL.

25 (F) EVERY 6 MONTHS, THE DEPARTMENT SHALL PUBLISH A NOTICE IN THE
26 MARYLAND REGISTER LISTING THE STATUS OF ALL PERMIT RENEWALS SUBJECT TO
27 THIS SECTION AND THE ACCEPTABLE REASON FOR DELAY, IF ANY, IN COMPLETING A
28 PERMIT RENEWAL UNDER THIS SECTION.

29 9-328.

30 (a) (1) Unless it is renewed for another term, a discharge permit expires on
31 the expiration date the Department sets at issuance or renewal.

32 (2) The Department may not issue a discharge permit for a term longer
33 than 5 years.

34 (b) Before a discharge permit expires, the Department may renew the
35 discharge permit for another term:

36 (1) After administrative review in accordance with the rules and
37 regulations that the Department adopts;

1 (2) After notice and opportunity for public hearing on the subject;

2 (3) On the condition that the discharge meets or will meet:

3 (i) Any applicable State or federal water quality standards or
4 effluent limitations; and

5 (ii) Any applicable requirement of this subtitle; and

6 (4) If the permit holder pays all application and permit fees assessed by
7 the Department under this subtitle.

8 [(c) Administrative review proceedings under this section shall be completed at
9 least 60 days before the expiration date of the permit.]

10 (C) (1) NOTWITHSTANDING § 10-226 OF THE STATE GOVERNMENT ARTICLE,
11 A COMPLETE RENEWAL APPLICATION MUST BE RECEIVED BY THE DEPARTMENT AT
12 LEAST 12 MONTHS BEFORE THE EXPIRATION DATE OF THE PERMIT, UNLESS:

13 (I) THE PERMIT APPLIES TO A FACILITY THAT DISCHARGES INTO A
14 WATERSHED; AND

15 (II) ALL DISCHARGE PERMITS IN THE WATERSHED ARE
16 SCHEDULED FOR REVIEW AND RENEWAL UNDER THE STATE WATERSHED CYCLING
17 STRATEGY WITHIN 5 YEARS AFTER THE EXISTING DISCHARGE PERMIT EXPIRES.

18 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE
19 DEPARTMENT MAY, IN ITS SOLE DISCRETION, ACCEPT A LATE APPLICATION FOR
20 RENEWAL FROM AN APPLICANT THAT DEMONSTRATES THAT THE APPLICANT DID
21 NOT ANTICIPATE THE NEED TO RENEW THE DISCHARGE PERMIT 12 MONTHS BEFORE
22 THE PERMIT WAS TO EXPIRE.

23 (D) (1) UNLESS THE DEPARTMENT STATES AN ACCEPTABLE REASON FOR
24 FAILING TO COMPLY WITH THIS SUBSECTION, THE DEPARTMENT SHALL COMPLETE
25 ITS REVIEW OF THE RENEWAL APPLICATION WITHIN 12 MONTHS AFTER RECEIVING
26 THE APPLICATION.

27 (2) AN ACCEPTABLE REASON FOR FAILURE TO COMPLY WITH THIS
28 SUBSECTION, AS DETERMINED BY THE DEPARTMENT IN ITS SOLE DISCRETION,
29 INCLUDES:

30 (I) COMPLICATED TECHNICAL ISSUES PRESENTED BY THE
31 APPLICATION;

32 (II) A PENDING CHANGE IN STATE OR FEDERAL LAW THAT
33 DIRECTLY AFFECTS THE DISCHARGE PERMIT AND WILL SOON BECOME FINAL;

34 (III) A PENDING CHANGE IN STATE REGULATION THAT DIRECTLY
35 AFFECTS THE DISCHARGE PERMIT AND WILL SOON BECOME FINAL; AND

1 (IV) THE DEPARTMENT'S INVOLVEMENT IN AN ONGOING
2 ENFORCEMENT ACTION AGAINST THE HOLDER OF THE DISCHARGE PERMIT THAT
3 COULD AFFECT THE TERMS OF THE RENEWAL.

4 (E) EVERY 6 MONTHS, THE DEPARTMENT SHALL PUBLISH A NOTICE IN THE
5 MARYLAND REGISTER LISTING THE STATUS OF ALL DISCHARGE PERMIT RENEWALS
6 SUBJECT TO THIS SECTION AND THE ACCEPTABLE REASON FOR DELAY, IF ANY, IN
7 COMPLETING A PERMIT RENEWAL UNDER THIS SECTION.

8 **Article - State Government**

9 10-226.

10 (a) (1) In this section the following words have the meanings indicated.

11 (2) "License" means all or any part of permission that:

12 (i) is required by law to be obtained from a unit;

13 (ii) is not required only for revenue purposes; and

14 (iii) is in any form, including:

15 1. an approval;

16 2. a certificate;

17 3. a charter;

18 4. a permit; or

19 5. a registration.

20 (3) "Unit" means an officer or unit that is authorized by law to:

21 (i) adopt regulations subject to Subtitle 1 of this title; or

22 (ii) adjudicate contested cases under this subtitle.

23 (b) If, at least 2 calendar weeks before a license expires, the licensee makes
24 sufficient application for renewal of the license, the license does not expire until:

25 (1) the unit takes final action on the application; and

26 (2) either:

27 (i) the time for seeking judicial review of the action expires; or

28 (ii) any judicial stay of the unit's final action expires.

1 (c) (1) Except as provided in paragraph (2) of this subsection, a unit may not
2 revoke or suspend a license unless the unit first gives the licensee:

3 (i) written notice of the facts that warrant suspension or
4 revocation; and

5 (ii) an opportunity to be heard.

6 (2) A unit may order summarily the suspension of a license if the unit:

7 (i) finds that the public health, safety, or welfare imperatively
8 requires emergency action; and

9 (ii) promptly gives the licensee:

10 1. written notice of the suspension, the finding, and the
11 reasons that support the finding; and

12 2. an opportunity to be heard.

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