
By: **Senator Frosh**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 1999

CHAPTER _____

1 AN ACT concerning

2 **Environment - Permit Renewals - Report**

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 the~~
11 ~~Secretary of the Department of the Environment to submit a certain annual~~
12 ~~report on certain environmental permitting activities to the Legislative Policy~~
13 ~~Committee on or before a certain date; specifying certain requirements for the~~
14 ~~contents of the report; and generally relating to applications and administration~~
15 ~~of permit renewals reporting on environmental permitting activities by the~~
16 Department of the Environment.

17 ~~BY repealing and reenacting, with amendments,~~
18 ~~Article—Environment~~
19 ~~Section 2-401, 7-238, 9-213, and 9-328~~
20 ~~Annotated Code of Maryland~~
21 ~~(1996 Replacement Volume and 1998 Supplement)~~

22 ~~BY repealing and reenacting, without amendments,~~
23 ~~Article—State Government~~
24 ~~Section 10-226~~
25 ~~Annotated Code of Maryland~~

1 (~~1995 Replacement Volume and 1998 Supplement~~)

2 BY adding to

3 Article - Environment

4 Section 1-301(e)

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 1998 Supplement)

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

9 **Article - Environment**

10 ~~2-401.~~

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

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

16 (1) ~~AFTER ADMINISTRATIVE REVIEW BY THE DEPARTMENT UNDER~~
17 ~~DEPARTMENT REGULATIONS;~~

18 (2) ~~ON CONDITION THAT THE EMISSIONS MEET OR WILL MEET ALL~~
19 ~~APPLICABLE:~~

20 (I) ~~STATE AND FEDERAL AIR QUALITY STANDARDS AND~~
21 ~~LIMITATIONS; AND~~

22 (II) ~~REQUIREMENTS OF THIS SUBTITLE; AND~~

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

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

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

33 (D) (1) ~~UNLESS THE DEPARTMENT STATES AN ACCEPTABLE REASON FOR~~
34 ~~FAILING TO COMPLY WITH THIS SUBSECTION, THE DEPARTMENT SHALL COMPLETE~~

~~1 ITS REVIEW OF THE RENEWAL APPLICATION WITHIN 12 MONTHS AFTER RECEIVING
2 THE APPLICATION.~~

~~3 (2) AN ACCEPTABLE REASON FOR FAILURE TO COMPLY WITH THIS
4 SUBSECTION, AS DETERMINED BY THE DEPARTMENT IN ITS SOLE DISCRETION,
5 INCLUDES:~~

~~6 (I) COMPLICATED TECHNICAL ISSUES PRESENTED BY THE
7 APPLICATION;~~

~~8 (II) A PENDING CHANGE IN STATE OR FEDERAL LAW THAT
9 DIRECTLY AFFECTS THE PERMIT AND WILL SOON BECOME FINAL;~~

~~10 (III) A PENDING CHANGE IN STATE REGULATION THAT DIRECTLY
11 AFFECTS THE PERMIT AND WILL SOON BECOME FINAL; AND~~

~~12 (IV) THE DEPARTMENT'S INVOLVEMENT IN AN ONGOING
13 ENFORCEMENT ACTION AGAINST THE PERMIT HOLDER THAT COULD AFFECT THE
14 TERMS OF THE RENEWAL.~~

~~15 (E) EVERY 6 MONTHS, THE DEPARTMENT SHALL PUBLISH A NOTICE IN THE
16 MARYLAND REGISTER LISTING THE STATUS OF ALL PERMIT RENEWALS SUBJECT TO
17 THIS SECTION AND THE ACCEPTABLE REASON FOR DELAY, IF ANY, IN COMPLETING A
18 PERMIT RENEWAL UNDER THIS SECTION.~~

~~19 7-238.~~

~~20 (a) (1) Unless it is renewed for another term, a facility permit expires on the
21 expiration date the Department specifies at issuance or renewal.~~

~~22 (2) Unless the controlled hazardous substance facility is a low-level
23 nuclear waste facility, the Department may not issue a facility permit for a term
24 longer than 5 years. The Department may issue a low-level nuclear waste facility
25 permit for a term not longer than 5 years.~~

~~26 (b) The Department may renew a facility permit if the permit holder:~~

~~27 (1) Has complied with all appropriate rules and regulations;~~

~~28 (2) Pays to the Department the renewal fee set by the Department; and~~

~~29 (3) Submits to the Department a renewal application on the form the
30 Department requires.~~

~~31 (C) (1) NOTWITHSTANDING § 10-226 OF THE STATE GOVERNMENT ARTICLE,
32 A COMPLETE RENEWAL APPLICATION MUST BE RECEIVED BY THE DEPARTMENT AT
33 LEAST 12 MONTHS BEFORE THE EXPIRATION DATE OF THE FACILITY PERMIT.~~

~~34 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE
35 DEPARTMENT MAY, IN ITS SOLE DISCRETION, ACCEPT A LATE APPLICATION FOR
36 RENEWAL FROM AN APPLICANT THAT DEMONSTRATES THAT THE APPLICANT DID~~

1 NOT ANTICIPATE THE NEED TO RENEW THE PERMIT 12 MONTHS BEFORE THE
2 PERMIT WAS TO EXPIRE.

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

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

10 (I) COMPLICATED TECHNICAL ISSUES PRESENTED BY THE
11 APPLICATION;

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

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

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

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

23 9-213.

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

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

28 (1) Submits to the Department a renewal application on the form that
29 the Department requires;

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

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

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

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

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

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

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

10 (D) (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.

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

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

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

25 (I) COMPLICATED TECHNICAL ISSUES PRESENTED BY THE
26 APPLICATION;

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

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

31 (IV) THE DEPARTMENT'S INVOLVEMENT IN AN ONGOING
32 ENFORCEMENT ACTION AGAINST THE PERMIT HOLDER THAT COULD AFFECT THE
33 TERMS OF THE RENEWAL.

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

1 ~~9-328.~~

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

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

6 (b) ~~Before a discharge permit expires, the Department may renew the~~
7 ~~discharge permit for another term:~~

8 (1) ~~After administrative review in accordance with the rules and~~
9 ~~regulations that the Department adopts;~~

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

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

12 (i) ~~Any applicable State or federal water quality standards or~~
13 ~~effluent limitations; and~~

14 (ii) ~~Any applicable requirement of this subtitle; and~~

15 (4) ~~If the permit holder pays all application and permit fees assessed by~~
16 ~~the Department under this subtitle.~~

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

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

22 (I) ~~THE PERMIT APPLIES TO A FACILITY THAT DISCHARGES INTO A~~
23 ~~WATERSHED; AND~~

24 (II) ~~ALL DISCHARGE PERMITS IN THE WATERSHED ARE~~
25 ~~SCHEDULED FOR REVIEW AND RENEWAL UNDER THE STATE WATERSHED CYCLING~~
26 ~~STRATEGY WITHIN 5 YEARS AFTER THE EXISTING DISCHARGE PERMIT EXPIRES.~~

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

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

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

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

4 (2) either:

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

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

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

9 (i) written notice of the facts that warrant suspension or
 10 revocation; and

11 (ii) an opportunity to be heard.

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

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

15 (ii) promptly gives the licensee:

16 1. written notice of the suspension, the finding, and the
 17 reasons that support the finding; and

18 2. an opportunity to be heard.

19 1-301.

20 (E) (1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE SECRETARY SHALL
 21 SUBMIT TO THE LEGISLATIVE POLICY COMMITTEE, IN ACCORDANCE WITH § 2-1246
 22 OF THE STATE GOVERNMENT ARTICLE, A REPORT ON THE DEPARTMENT'S
 23 ENVIRONMENTAL PERMITTING ACTIVITIES DURING THE PREVIOUS FISCAL YEAR.

24 (2) THE REPORT SHALL:

25 (I) INCLUDE THE INFORMATION REQUIRED UNDER THIS
 26 SUBSECTION AND ANY ADDITIONAL INFORMATION CONCERNING ENVIRONMENTAL
 27 PERMITS THAT THE SECRETARY DECIDES TO PROVIDE;

28 (II) BE AVAILABLE TO THE PUBLIC AS SOON AS IT IS FORWARDED
 29 TO THE LEGISLATIVE POLICY COMMITTEE;

30 (III) STATE THE NUMBER AND NAMES OF THE FACILITIES THAT DID
 31 NOT SUBMIT RENEWAL APPLICATIONS WITHIN THE TIME PERIOD SPECIFIED BY
 32 APPLICABLE STATUTE, REGULATION, OR PERMIT CONDITION;

1 (IV) STATE THE NUMBER AND NAMES OF THE FACILITIES THAT
2 SUBMITTED PERMIT RENEWAL APPLICATIONS WITHIN THE TIME PERIOD SPECIFIED
3 BY APPLICABLE STATUTE, REGULATION, OR PERMIT CONDITION, BUT WERE NOT
4 ISSUED RENEWAL PERMITS BEFORE THE EXPIRATION DATE OF THE PERMIT;

5 (V) FOR EACH FACILITY LISTED IN ACCORDANCE WITH ITEMS (III)
6 AND (IV) OF THIS SUBSECTION, STATE THE DATE ON WHICH THE PERMIT EXPIRED
7 AND THE DATE ON WHICH THE RENEWAL APPLICATION WAS RECEIVED BY THE
8 DEPARTMENT; AND

9 (VI) FOR EACH FACILITY LISTED IN ACCORDANCE WITH ITEMS (III)
10 AND (IV) OF THIS SUBSECTION, STATE THE REASON FOR ANY DELAY IN RENEWING
11 THE PERMIT ON OR BEFORE THE DATE OF EXPIRATION.

12 (3) THE INFORMATION REQUIRED IN THE REPORT UNDER PARAGRAPH
13 (2) OF THIS SUBSECTION SHALL BE ORGANIZED ACCORDING TO EACH PROGRAM
14 SPECIFIED IN PARAGRAPH (4) OF THIS SUBSECTION.

15 (4) THE REPORT SHALL INCLUDE INFORMATION FOR EACH OF THE
16 FOLLOWING PROGRAMS IN THE DEPARTMENT:

17 (I) AIR EMISSIONS UNDER TITLE 2, SUBTITLE 4 OF THIS ARTICLE;

18 (II) CONTROLLED HAZARDOUS SUBSTANCES UNDER TITLE 7,
19 SUBTITLE 2 OF THIS ARTICLE;

20 (III) REFUSE DISPOSAL SYSTEMS UNDER TITLE 9, SUBTITLE 2 OF
21 THIS ARTICLE; AND

22 (IV) WATER DISCHARGES UNDER TITLE 9, SUBTITLE 3 OF THIS
23 ARTICLE.

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