
By: **Delegates Morhaim and Cryor**
Introduced and read first time: January 29, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Water Discharge - Permits - Process**

3 FOR the purpose of modifying the process for the Department of the Environment to
4 issue water discharge permits; modifying the process for the Department to
5 renew water discharge permits; providing for the conditions under which a stay
6 will be issued for a new permit; providing for the conditions under which a stay
7 of a permit will be issued during an application to renew a permit; providing for
8 the duration of a stay of certain permits; providing for the duration of certain
9 permits that are not renewed within a certain period of time; requiring the
10 Department to revoke a certain permit under certain conditions; providing for
11 the scope of certain provisions; and generally relating to the process of issuing
12 certain water discharge permits.

13 BY repealing and reenacting, with amendments,
14 Article - Environment
15 Section 9-328
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 2000 Supplement)

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

20 **Article - Environment**

21 9-328.

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

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

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

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

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

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

5 (i) Any applicable State or federal water quality standards or
6 effluent limitations; and

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

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

10 (c) (1) [Administrative] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3)
11 OF THIS SUBSECTION, ADMINISTRATIVE review proceedings under this section shall
12 be completed at least 60 days before the expiration date of the permit.

13 (2) (I) THIS PARAGRAPH APPLIES TO AN APPLICATION FOR A NEW
14 PERMIT IF A TIMELY AND COMPLETE APPLICATION HAS BEEN SUBMITTED.

15 (II) THE DEPARTMENT SHALL ISSUE A STAY OF A NEW PERMIT IF:

16 1. A CONTESTED CASE IS FILED UNDER THE
17 ADMINISTRATIVE PROCEDURE ACT OR ADMINISTRATIVE REGULATIONS OF THE
18 DEPARTMENT OR A COURT ACTION IS FILED; AND

19 2. A PARTY TO THE CONTESTED CASE OR COURT ACTION
20 HAS REQUESTED A STAY OF THE ISSUANCE OF THE PERMIT.

21 (III) A STAY ISSUED UNDER THIS PARAGRAPH IS EFFECTIVE UNTIL
22 THE CONTESTED CASE OR COURT ACTION IS RESOLVED BY THE COURT OF LAST
23 RESORT.

24 (3) (I) THIS PARAGRAPH APPLIES TO AN APPLICATION FOR THE
25 RENEWAL OF A PERMIT IF A TIMELY AND COMPLETE APPLICATION HAS BEEN
26 SUBMITTED.

27 (II) THE DEPARTMENT SHALL STAY THE ISSUANCE OF THE PERMIT
28 IF:

29 1. A CONTESTED CASE IS FILED UNDER THE
30 ADMINISTRATIVE PROCEDURE ACT OR ADMINISTRATIVE REGULATIONS OF THE
31 DEPARTMENT OR A COURT ACTION IS FILED; AND

32 2. A PARTY TO THE CONTESTED CASE OR COURT ACTION
33 HAS REQUESTED A STAY OF THE ISSUANCE OF THE PERMIT.

1 (III) A STAY ISSUED UNDER THIS PARAGRAPH IS EFFECTIVE UNTIL
2 THE CONTESTED CASE OR COURT ACTION IS RESOLVED BY THE COURT OF LAST
3 RESORT.

4 (IV) IF A CONTESTED CASE OR COURT CHALLENGE IS NOT
5 RESOLVED WITHIN 3 YEARS OF THE DEPARTMENT'S ISSUANCE OF A FINAL
6 DETERMINATION ON THE PERMIT RENEWAL APPLICATION, THE DEPARTMENT SHALL
7 REVOKE THE PERMIT THAT WAS THE SUBJECT OF THE RENEWAL APPLICATION.

8 (4) FOR AN APPLICATION FOR THE RENEWAL OF A PERMIT, IF THE
9 DEPARTMENT FAILS TO ISSUE THE RENEWAL WITHIN 3 YEARS OF THE EXPIRATION
10 DATE OF THE PERMIT, THE PERMIT SHALL BE REVOKED.

11 (5) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE
12 DEPARTMENT'S AUTHORITY TO REOPEN AN EXISTING PERMIT IF THE REOPENER
13 WOULD RESULT IN MAKING THE PERMIT MORE STRINGENT.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2001.