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2001 Regular Session
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By: Senator Frosh

Introduced and read first time: February 2, 2001 Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

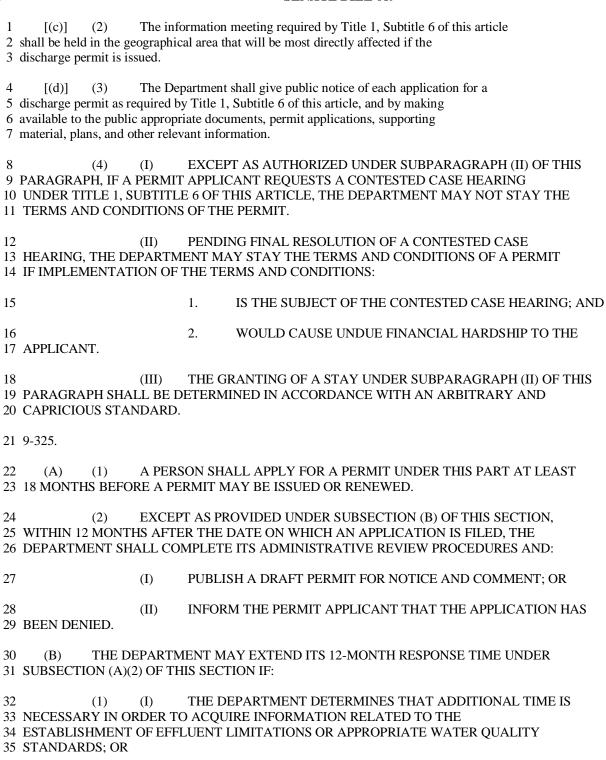
1 AN ACT concerning

2 Issuance and Renewal of Discharge Permits - Procedures

- $3\,$ FOR the purpose of authorizing the Department of the Environment to issue or renew
- 4 a discharge permit under certain circumstances; prohibiting the Department
- from staying certain permit terms and conditions except under certain
- 6 circumstances; specifying a certain standard of judgment in the event of a
- 7 certain stay; requiring a person to apply for a certain permit at a certain time;
- 8 requiring the Department to complete a certain review and to provide certain
- 9 notice within a certain time; authorizing the Department to extend a certain
- 10 response time under certain circumstances; requiring the Department to
- establish, update, and make available a certain permit docket; requiring the
- Department to provide a certain statement to a permit applicant within a
- certain time, and requiring the applicant to remit a certain payment to the
- Department within a certain time; requiring the Department to adopt certain
- regulations; repealing the requirement that the Department consult with
- industry and make a certain provision regarding a certain fee; making certain
- 17 technical corrections; making certain stylistic changes; and generally relating to
- procedures for the issuance and renewal of certain discharge permits.
- 19 BY renumbering
- 20 Article Environment
- 21 Section 9-326 and 9-327, respectively
- to be Section 9-327 and 9-328, respectively
- 23 Annotated Code of Maryland
- 24 (1996 Replacement Volume and 2000 Supplement)
- 25 BY repealing and reenacting, with amendments,
- 26 Article Environment
- 27 Section 9-324 and 9-325
- 28 Annotated Code of Maryland
- 29 (1996 Replacement Volume and 2000 Supplement)
- 30 BY adding to
- 31 Article Environment

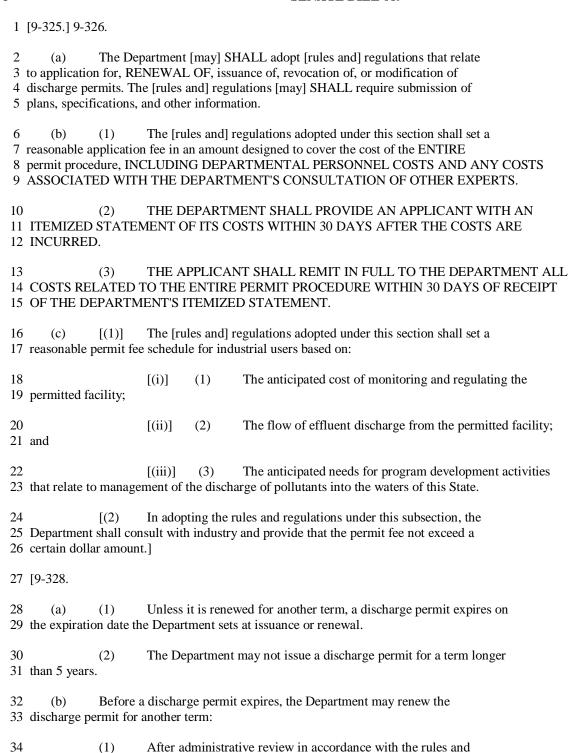
1 2 3	Section 9-325 Annotated Code of Maryland (1996 Replacement Volume and 2000 Supplement)			
4 5 6 7 8	BY repealing Article - Environment Section 9-328 Annotated Code of Maryland (1996 Replacement Volume and 2000 Supplement)			
11	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9-326 and 9-327, respectively, of Article - Environment of the Annotated Code of Maryland be renumbered to be Section(s) 9-327 and 9-328, respectively.			
13 14	SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:			
15	Article - Environment			
16	9-324.			
19	(a) (1) Subject to the provisions of this [section] PART, AND AFTER ADMINISTRATIVE REVIEW IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT, the Department may issue OR RENEW FOR ANOTHER TERM a discharge permit if [the]:			
21		(I)	THE Department finds that the discharge meets OR WILL MEET:	
22 23	[(1)] effluent limitations; an		All applicable State and federal water quality standards and	
24	[(2)]	2.	All other requirements of this subtitle; AND	
			THE PERMIT APPLICANT PAYS ALL APPLICATION FEES AND, AS FEES ASSESSED BY THE DEPARTMENT UNDER THIS	
		. ,	UNLESS A DISCHARGE PERMIT IS RENEWED FOR ANOTHER EXPIRATION DATE THE DEPARTMENT SETS AT ISSUANCE	
31 32	A TERM LONGER T	` /	THE DEPARTMENT MAY NOT ISSUE A DISCHARGE PERMIT FOR YEARS.	
			ssuing OR RENEWING a discharge permit, the Department provisions of THIS PART AND OF Title 1, Subtitle 6 of	

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(II)1. THE PERMIT IS PART OF A WATERSHED CYCLING 2 STRATEGY THAT REQUIRES THE ISSUANCE OF COORDINATED PERMITS; AND THE WATERSHED CYCLING STRATEGY IS SCHEDULED TO 4 BEGIN NO MORE THAN 2 YEARS AFTER THE DATE ON WHICH THE APPLICATION WAS 5 FILED; THE DEPARTMENT INFORMS THE PRESIDENT OF THE SENATE AND 6 (2) 7 THE SPEAKER OF THE HOUSE OF DELEGATES BY LETTER AND THE GENERAL PUBLIC 8 BY PUBLICATION OF A NOTICE IN THE MARYLAND REGISTER OF: 9 THE REASONS WHY EXTENSION OF THE 12-MONTH DEADLINE (I) 10 IS NECESSARY: (II)THE AMOUNT OF ADDITIONAL TIME NECESSARY TO PROCESS 12 THE APPLICATION: AND (III)THE DEPARTMENT'S REASONABLE ESTIMATE OF THE DATE ON 13 14 WHICH THE PERMIT IS LIKELY TO BECOME EFFECTIVE; AND IF THE APPLICATION IS FOR THE RENEWAL OF A PERMIT: 15 (3) THE DEPARTMENT ESTABLISHES INTERIM DISCHARGE 16 (I) 17 LIMITATIONS THAT APPLY BEST AVAILABLE TECHNOLOGY STANDARDS TO THE MOST 18 RECENT PRODUCTION DATA AVAILABLE: AND 19 (II)THE INTERIM DISCHARGE LIMITATIONS DO NOT EXPIRE UNTIL 20 A RENEWAL PERMIT IS ISSUED. 21 (C) UNTIL A PERMIT IS ISSUED, INFORMATION PROVIDED TO THE PRESIDENT 22 OF THE SENATE, THE SPEAKER OF THE HOUSE OF DELEGATES, AND THE GENERAL 23 PUBLIC UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL BE UPDATED EVERY 6 24 MONTHS IN THE SAME FORMAT AS THE ORIGINAL NOTICE. 25 (D) THE DEPARTMENT SHALL: 26 (1) ESTABLISH A PERMIT DOCKET THAT INCLUDES: 27 ALL INFORMATION USED TO DETERMINE THE TERMS AND (I) 28 CONDITIONS OF A PERMIT; AND 29 A COMPLETE RECORD OF ALL CORRESPONDENCE AND OTHER (II)30 COMMUNICATIONS BETWEEN THE APPLICANT AND THE DEPARTMENT REGARDING 31 THE PERMIT OR RENEWAL APPLICATION: 32 UPDATE THE DOCKET REGULARLY AS INFORMATION RELEVANT TO A 33 PERMIT APPLICATION OR RENEWAL OR INTERIM DISCHARGE LIMITATIONS BECOMES 34 AVAILABLE; AND PROVIDE THE GENERAL PUBLIC WITH REASONABLE ACCESS TO THE 35 (3) 36 DOCKET.



After notice and opportunity for public hearing on the subject;

35 regulations that the Department adopts;

(2)

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- 1 (3) On the condition that the discharge meets or will meet: 2 (i) Any applicable State or federal water quality standards or 3 effluent limitations; and 4 (ii) Any applicable requirement of this subtitle; and If the permit holder pays all application and permit fees assessed by 5 (4) 6 the Department under this subtitle. Administrative review proceedings under this section shall be completed at 7 8 least 60 days before the expiration date of the permit.]
- o least oo days before the expiration date of the permit.]
- 9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 10 October 1, 2001.