

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

House Bill 1231

(Delegate Dembrow)

Environmental Matters

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**Environment - Permit Applications - Notice to Local Agencies and Submission of Comments**

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This bill provides that whenever the Maryland Department of the Environment (MDE) is required to review a permit application, the applicant must submit proof that a copy of the application has been submitted to the local agency charged with oversight of land use and development projects or environmental planning. Except for good cause shown, MDE may not issue a tentative determination on a permit application until the earlier of 30 days after receiving the application or the local agency's comments on the application. Except for good cause shown, MDE may not issue a final determination until the earlier of 30 days after the tentative determination or the local agency's comments on the tentative determination. The bill requires MDE to notify local agencies of its tentative and final determinations.

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**Fiscal Summary**

**State Effect:** The bill's requirements could be handled with existing budgeted resources.

**Local Effect:** The bill's changes could be handled with existing local resources.

**Small Business Effect:** Potential meaningful.

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**Analysis**

**Current Law:** The following permits are subject to specified requirements relating to public participation in the permitting process: (1) air quality control permits; (2) permits to install, materially alter, or materially extend landfill systems, incinerators for public

use, or specified rubble landfills; (3) permits to discharge pollutants to waters of the State; (4) specified sewage sludge permits; (5) permits to own, operate, establish, or maintain a controlled hazardous substance facility; (6) permits to own, operate, establish, or maintain a hazardous material facility; and (7) permits to own, operate, establish, or maintain a low-level nuclear waste facility.

After it receives a permit application for one of those permit types, MDE is required to prepare a tentative determination, which must be published. This notice must allow 30 calendar days for public comment before the issuance of the final determination. MDE must issue a final determination under specified conditions. If MDE is required to prepare a final determination, a notice of the final determination must be published. If MDE is not required to prepare a final determination, the tentative determination is a final decision by MDE when the permit is issued or denied.

**Background:** In 2000 MDE issued over 5,000 permits, of which about 585 were of the types described above and, therefore, were subject to the public participation process outlined above. For other types of permits, the process varies, and MDE does not necessarily issue tentative and final determinations for them. Accordingly, the extent to which the bill's deadlines would apply to such permits is unclear.

**Small Business Effect:** While the bill's notification requirements are not anticipated to significantly affect small businesses, the extent to which the bill's deadlines will result in a delay in the issuance of permits is unknown. For permits already subject to specified public participation processes, the deadlines established in the bill are not anticipated to result in a significant delay in the permit process. However, it is unclear as to how the bill's provisions establishing deadlines with respect to tentative and final determinations will be applied to other MDE permits; MDE generally does not issue such determinations for other permits. To the extent the bill's deadlines result in a significant delay in the issuance of permits, the bill could have a significant impact on small businesses applying for such permits.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment, Garrett County, Montgomery County, Prince George's County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2002  
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