

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 791

(Senator Stone, *et al.*)

Education, Health, and Environmental Affairs

Environmental Matters

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Environment - Controlled Hazardous Substance Facility - Permit Term

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This bill extends the maximum term, from five to 10 years, of a controlled hazardous substance (CHS) facility permit issued by the Maryland Department of the Environment (MDE). The extended term would not apply to low-level nuclear waste facility permits.

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Fiscal Summary

**State Effect:** None. The facility permit application fee is applied as a credit against the annual permit fee, which is based on the cost of regulating the facility. Therefore, no decreases in revenues would result. Expenditures would not be materially affected.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** In general, a person must hold a facility permit before the person may own, establish, operate, or maintain a CHS facility in the State. A separate permit is required for each facility. MDE must set each facility permit fee on the basis of several specified items such as the threat to the environment and the anticipated cost of monitoring and regulating the facility. Unless it is renewed for another term, a facility permit expires on the expiration date specified by MDE at issuance or renewal. MDE may not issue a permit for a term longer than five years.

Annual permit fees for current CHS facilities range from \$12,000 to \$65,000. Permit application fees are credited toward the permit fee.

**Background:** Chapter 245 of 1996 extended the maximum term of a CHS facility permit from three to five years. In February 1999 and in July 2003, the Controlled Hazardous Substances Advisory Council (a council that advises and assists MDE in developing rules and regulations for the management and disposal of controlled hazardous substances and low-level nuclear wastes) recommended changing the maximum term of a CHS facility permit from five to 10 years. Based on a survey conducted by the council, the change could save permittees an estimated \$980,000 in time spent preparing permit applications.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1132 (Delegate Glassman, *et al.*) – Environmental Matters.

**Information Source(s):** Maryland Department of the Environment, Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2004  
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