
By: **Delegates Impallaria, Aumann, Boteler, Cluster, Frank, Kach, and McDonough**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Department of Environmental Protection and Resource**
3 **Management, Permits Office**

4 FOR the purpose of requiring the Baltimore County Department of Environmental
5 Protection and Resource Management, Permits Office to include certain
6 standards in its regulations and operations policies; requiring the Permits
7 Office to hold an expedited hearing on certain matters; authorizing the Permits
8 Office to impose a certain penalty; prohibiting the Permits Office from imposing
9 a certain penalty while a certain matter is on appeal; specifying that a court
10 shall conduct an appeal in a certain manner under certain circumstances; and
11 generally relating to the Baltimore County Department of Environmental
12 Protection and Resource Management, Permits Office.

13 BY adding to
14 Article 24 - Political Subdivisions - Miscellaneous Provisions
15 Section 11-102
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2004 Supplement)

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

20 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

21 11-102.

22 (A) IN THIS SECTION, "DEPARTMENT" MEANS THE BALTIMORE COUNTY
23 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT,
24 PERMITS OFFICE.

25 (B) IN BALTIMORE COUNTY, THIS SECTION APPLIES TO THE EXTENT THAT
26 THE STATE HAS DELEGATED ITS AUTHORITY TO ACT TO:

1 (1) THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE
2 COUNTY; OR

3 (2) THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
4 PROTECTION AND RESOURCE MANAGEMENT, PERMITS OFFICE, ACTING UNDER THE
5 AUTHORITY OF THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE
6 COUNTY.

7 (C) THE DEPARTMENT SHALL INCLUDE IN ITS REGULATIONS AND
8 OPERATIONS POLICIES THE FOLLOWING STANDARDS:

9 (1) THAT IT WILL RESPOND TO ALL PERMIT REQUESTS WITHIN 30 DAYS
10 OF THE DATE AN APPLICANT SUBMITS AN APPLICATION;

11 (2) THAT IF A PERMIT IS NOT REQUIRED, ON REQUEST BY THE
12 APPLICANT THE DEPARTMENT WILL PROVIDE THE APPLICANT WITH A WRITTEN
13 ORDER TO PROCEED WITHOUT THE PERMIT; AND

14 (3) THAT IN THE EVENT THE DEPARTMENT ISSUES A CORRECTIVE
15 ORDER OR FINDS A VIOLATION, THE DEPARTMENT SHALL:

16 (I) NOTIFY THE APPLICANT AND CITE THE APPLICABLE LAW OR
17 REGULATION ALLEGED TO HAVE BEEN VIOLATED BY THE APPLICANT;

18 (II) WITHIN 5 DAYS OF THE NOTICE, PROVIDE THE APPLICANT
19 WITH A COPY OF THE LAW OR REGULATION ALLEGED TO HAVE BEEN VIOLATED;

20 (III) SPECIFY THE CORRECTIVE ACTION THAT THE APPLICANT
21 MUST TAKE TO CURE THE VIOLATION; AND

22 (IV) PRE-SET A DATE AND TIME FOR A HEARING, SHOULD THE
23 APPLICANT CHOOSE TO CONTEST THE FINDING OF AN ALLEGED VIOLATION.

24 (D) IF AN APPLICANT CONTESTS AN ORDER OF THE DEPARTMENT UNDER
25 THIS SECTION, THE DEPARTMENT SHALL EXPEDITE ITS HEARING OF THE MATTER.

26 (E) ON A FINDING OF A VIOLATION OF A LAW OR REGULATION SUBJECT TO
27 ITS JURISDICTION, THE DEPARTMENT:

28 (1) MAY IMPOSE A FINE OF A FIXED AMOUNT AS SPECIFIED BY
29 REGULATION; AND

30 (2) WHILE THE MATTER IS PENDING ON APPEAL TO A COURT OF
31 COMPETENT JURISDICTION, MAY NOT ASSESS A SUBSEQUENT FINE OR PENALTY.

32 (F) ON APPEAL, TO THE EXTENT PRACTICABLE A COURT SHALL EXPEDITE ITS
33 HEARING ON A MATTER SUBJECT TO THIS SECTION.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2005.