

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

Senate Bill 183 (Chairman, Education, Health, and Environmental Affairs Committee)  
(By Request – Departmental – Environment)

Education, Health, and Environmental Affairs

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**Water Pollution Control - Corrective Orders**

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This departmental bill modifies the deadlines by which the Maryland Department of the Environment (MDE), with respect to corrective orders issued pursuant to the water pollution control law, must hold a requested hearing and render a decision. Specifically, the existing 10-day deadlines would only apply if MDE alleges in the order that there is an imminent threat or danger to the public health or safety or to the environment. Otherwise, MDE must hold the hearing promptly after receiving the request and must render a decision promptly after the hearing.

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**Fiscal Summary**

**State Effect:** The bill would not materially affect State operations or finances.

**Local Effect:** The bill would not materially affect local operations or finances.

**Small Business Effect:** MDE has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:** MDE is authorized to issue corrective action orders to alleged violators of the water pollution control law. Within 10 days after being served with an order, the person served may request in writing a hearing before MDE. If a request is made, MDE must hold the hearing within 10 days after receiving the request and render a decision

within 10 days after the hearing, regardless of whether or not MDE alleges that there is an imminent threat or danger to the public health or safety or to the environment.

Pursuant to the Administrative Procedure Act, MDE has delegated the authority to conduct hearings to the Office of Administrative Hearings.

**Background:** According to MDE, other State environmental laws do not require that a hearing be held on the issuance of a corrective order within 10 days of a timely hearing request, regardless of the terms of the order or the presence of imminent risk to the environment or to the public. This bill would allow MDE and violators more time to prepare for hearings in circumstances where there is no immediate risk. According to MDE, because most violators do not wish to proceed to hearing within 10 days, they waive their rights to obtain a hearing and decision within the statutorily prescribed period.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 27, 2005  
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