

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1177 (Delegate Impallaria, *et al.*)
Environmental Matters

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

This bill requires the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) Permits Office to include specified standards in its regulations and operating policies. The standards generally relate to permit requests, orders to proceed without a permit, and violations. The bill also establishes provisions regarding hearings and enforcement.

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances. It is assumed that Baltimore County would continue to issue permits for programs delegated by the State.

Local Effect: Baltimore County expenditures could increase significantly to meet the bill's requirements. The impact on county revenues cannot be reliably estimated at this time. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: DEPRM must include in its regulations and operating policies the following standards:

- that it will respond to permit requests within 30 days;

- that if a permit is not required, it will provide the applicant with a written order to proceed (upon request); and
- that if it issues a corrective order or finds a violation, it must notify the applicant, provide the applicant with a copy of the law or regulation alleged to have been violated, specify the corrective action, and pre-set a date and time for a hearing should the applicant contest the finding.

The bill also requires DEPRM to expedite its hearing of the matter if an applicant contests an order. The bill authorizes DEPRM to impose a fine for violations of laws and regulations subject to its jurisdiction, but limits it from assessing a subsequent fine or penalty while the matter is pending on appeal to a court. Finally, the bill requires a court, on appeal, to expedite its hearing to the extent practicable.

The bill only applies to the extent that the State has delegated its authority to act to the County Executive and County Council of Baltimore County or DEPRM Permits Office, acting under the authority of the County Executive and County Council of Baltimore County.

Current Law: DEPRM was established in 1987 to administer and enforce environmental laws, regulations, programs, and activities for the purpose of conserving, enhancing, and perpetuating the natural resources of the county and preserving and protecting the environmental health of its citizens. DEPRM is responsible for several activities, including air pollution control, water quality management, wastewater management, regional community services, environmental support services, the county's critical area protection program, land use planning, and sediment control.

In general, permits do not have to be issued within a specific time period. Provisions regarding notice of corrections, hearings, and appeals vary depending on the type of activity. Most of the activities governed by DEPRM are subject to civil and/or criminal penalty provisions.

According to DEPRM, the county has delegated authority for sediment and erosion control, stormwater management, critical areas, and forest conservation. The Maryland Department of the Environment advises that it has delegated the authority to issue other permits (such as well construction permits and permits pertaining to bathing beaches) to DEPRM.

Background: According to DEPRM, from 1992 to 2002, 63% of permits were approved within one week; 78% were approved within two weeks; 85% were approved within three weeks; and 90% were approved within four weeks.

Local Fiscal Effect: DEPRM advises that although some of the bill's provisions merely codify current practice, others would likely result in a significant increase in workload for departmental staff. Accordingly, county expenditures could increase significantly to hire additional staff in order to meet the bill's requirements.

The impact of the bill's penalty provisions on county revenues is unknown. It is assumed that revenues from permit fees would not be affected.

Small Business Effect: Small businesses in Baltimore County could benefit to the extent the bill expedites the permit review process. Legislative Services notes, however, that, based on data regarding DEPRM's actual permit turnaround times, it is unclear if the bill's deadlines would expedite the permit review process. In addition, due to the additional workload that would likely occur as a result of the bill, DEPRM advises that, unless additional employees are hired, the bill could actually end up delaying the review process, which could impose additional costs on permit applicants.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore County, Judiciary (Administrative Office of the Courts), Maryland Department of the Environment, Department of Natural Resources, Department of Legislative Services

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