

HOUSE BILL 1297

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By: **Delegates Lehman, Boyce, Fraser–Hidalgo, Lisanti, Love, Stein, and Terrasa**
Introduced and read first time: February 7, 2020
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Individual Surface Water Discharge Permits – Study and Permit Decisions**
3 **(Zombie Permit Elimination Act)**

4 FOR the purpose of requiring the Department of the Environment to study and make
5 recommendations regarding the Department’s permitting process for certain
6 individual surface water discharge permits; requiring the Department, in conducting
7 the study and making the recommendations, to examine and review certain methods,
8 expectations, measures, and tools; requiring the Department to report its findings
9 and recommendations to the Governor and the General Assembly on or before a
10 certain date; requiring the Department to approve or deny a certain permit
11 application within a certain number of days under certain circumstances; specifying
12 the conditions under which the Department is required to approve or deny the permit
13 application; specifying that an applicant whose permit application is denied forfeits
14 all fees and must resubmit the application; stating that a resubmitted application is
15 considered a new application; and generally relating to individual surface water
16 discharge permits.

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That:

19 (a) The Department of the Environment shall study and make recommendations
20 regarding the Department’s permitting process for individual surface water discharge
21 permits issued under Title 9, Subtitle 3 of the Environment Article in accordance with the
22 National Pollutant Discharge Elimination System (NPDES).

23 (b) In conducting the study and making the recommendations, the Department
24 shall:

25 (1) examine methods that will assist the Department with making permit
26 decisions within 180 days of receipt of a complete application;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) examine expectations that can be developed to improve the quality of
2 permit applications;

3 (3) examine performance measures that can be implemented for
4 Department staff who are involved in the permitting process;

5 (4) review electronic permitting tools that could be developed;

6 (5) review methods for improving the use of electronic permitting tools that
7 are currently available by the Department;

8 (6) examine methods for encouraging the use of electronic permitting tools;
9 and

10 (7) examine methods for addressing the backlog of administratively
11 extended permits.

12 (c) On or before July 1, 2021, the Department shall reports its findings and
13 recommendations to the Governor and, in accordance with § 2–1257 of the State
14 Government Article, the General Assembly.

15 (d) (1) This subsection applies until the Department reports its finding and
16 recommendations in accordance with subsection (c) of this section.

17 (2) If the Department does not issue a decision on a permit application for
18 renewal of an individual surface water discharge permit within 180 days of the end of the
19 term of the permit that the applicant is renewing, the Department shall, within 5 business
20 days, approve or deny the application in accordance with this subsection.

21 (3) The Department shall approve a permit application if:

22 (i) the Department considers the application complete; and

23 (ii) the applicant adequately demonstrates that all applicable
24 regulatory and statutory requirements are met.

25 (4) (i) The Department shall deny a permit application if:

26 1. after two technical reviews by the Department, the
27 application still contains technical deficiencies; or

28 2. the applicant cannot adequately demonstrate that all
29 applicable regulatory and statutory requirements are met.

30 (ii) An applicant whose permit application is denied:

31 1. forfeits all fees; and

1 2. must resubmit an application in accordance with
2 regulatory and statutory requirements.

3 (iii) A resubmitted application is considered a new application.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
5 1, 2020.