

SB0492/173726/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 492
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “limiting” in line 4 down through “permits;” in line 6; and in line 12, strike “with” and substitute “without”.

AMENDMENT NO. 2

On page 2, strike beginning with “(1)” in line 16 down through “(D)” in line 22; in line 25, after “(A)” insert “(1)”; after line 27, insert:

“(2) “ADMINISTRATIVELY CONTINUED PERMIT” DOES NOT INCLUDE A DISCHARGE PERMIT THAT HAS BEEN CONTINUED BEYOND ITS ORIGINAL EXPIRATION DATE DUE TO AN ENFORCEMENT ACTION TAKEN DURING THE PERMIT TERM.”;

in line 28, after “(B)” insert “(1)”; in line 29, strike “AT LEAST ONCE PER MONTH”; and strike beginning with “INSPECT” in line 29 down through “OF:” in line 30 and substitute “CONDUCT INSPECTIONS IN ACCORDANCE WITH THIS SUBSECTION.”.

On page 3, strike in their entirety lines 1 through 7, inclusive, and substitute:

“(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, BEGINNING JULY 1, 2022, AT LEAST ONCE PER MONTH THE DEPARTMENT SHALL INSPECT EACH FACILITY OR SITE THAT THE DEPARTMENT OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAS DETERMINED TO BE IN SIGNIFICANT NONCOMPLIANCE WITH AN APPLICABLE STATE OR FEDERAL WATER QUALITY

STANDARD, EFFLUENT LIMITATION, OR OTHER APPLICABLE REQUIREMENT OF THE DEPARTMENT OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

(II) IF A FACILITY OR SITE IS DETERMINED TO BE IN SIGNIFICANT NONCOMPLIANCE SOLELY DUE TO THE FAILURE TO REPORT ANY REQUIRED INFORMATION TO THE DEPARTMENT OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY, THE DEPARTMENT MAY:

1. DELAY INSPECTIONS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY 1 MONTH WHILE THE DEPARTMENT REVIEWS THE COMPLIANCE STATUS OF THE FACILITY OR SITE THROUGH CORRESPONDENCE WITH THE OWNER OR OPERATOR OF THE FACILITY OR SITE OR OTHER APPROPRIATE METHODS; AND

2. BEGIN MONTHLY INSPECTIONS IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH IF, AFTER THE PERIOD SPECIFIED IN ITEM 1 OF THIS SUBPARAGRAPH, THE OWNER OR OPERATOR OF THE FACILITY OR SITE HAS NOT PROVIDED THE INFORMATION NECESSARY FOR THE DEPARTMENT TO DETERMINE THE COMPLIANCE STATUS OF THE FACILITY OR SITE.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, BEGINNING JULY 1, 2023, AT LEAST ONCE EVERY 90 DAYS, THE DEPARTMENT SHALL INSPECT EACH FACILITY OR SITE THAT HAS BEEN OPERATING UNDER AN ADMINISTRATIVELY CONTINUED PERMIT FOR LONGER THAN 365 DAYS.

(II) THE DEPARTMENT IS NOT REQUIRED TO INSPECT THE OPERATIONS OF A FACILITY OR SITE OPERATING A GENERAL PERMIT THAT HAS

BEEN ADMINISTRATIVELY CONTINUED, UNLESS THE DEPARTMENT OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAS DETERMINED THE FACILITY OR SITE TO BE IN SIGNIFICANT NONCOMPLIANCE AS SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) INSPECTIONS REQUIRED UNDER THIS SUBSECTION MAY BE CONDUCTED BY MEANS OTHER THAN AN IN-PERSON INSPECTION OF THE FACILITY OR SITE IF THE PRESENCE OF THE INSPECTOR WOULD RESULT IN AN UNREASONABLE RISK TO HEALTH, SAFETY, OR WELFARE.”;

strike beginning with the colon in line 8 down through “IS” in line 9 and substitute “IS”; in line 9, after “DEPARTMENT” insert “OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY”; strike beginning with the semicolon in line 13 down through “PERMIT” in line 19; in line 28, strike “(B)(2)” and substitute “(B)”; and in line 31, strike “FACILITY” and substitute “DISCHARGER”.

On page 4, in line 9, strike “FACILITY” and substitute “DISCHARGER”.

AMENDMENT NO. 3

On page 4, strike beginning with “Subject” in line 21 down through “(c)” in line 24; in line 25, strike “existing on the effective date of this Act”; in line 26, strike “(d)” and substitute “(c)”; in the same line, strike “December 31, 2023” and substitute “October 1, 2022”; and in line 30, strike “(c)” and substitute “(b)”.

On page 5, strike beginning with the comma in line 1 down through “Act” in line 2; in line 4, strike “2024” and substitute “2022”; in line 7, strike “2025” and substitute “2023”; in line 10, strike “(e)” and substitute “(d)”; in the same line, after “2025,” insert “and each year thereafter,”; and in line 12, strike “the progress toward meeting the requirements of this section” and substitute “:

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(1) the number of facilities or sites subject to discharge permits that were administratively continued or expired at the end of the prior fiscal year, by census tract; and

(2) the number of additional positions for the subsequent fiscal year that the Department needs to ensure that any discharge permits that have been continued or expired for more than 365 days are renewed in a timely manner”.