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MAYOR

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HB 1297

March 4, 2020

TO: Members of the Environment & Transportation Committee

FROM: Matthew Stegman, Deputy Director of Government Relations

RE: House Bill 1297 – Individual Surface Water Discharge Permits – Study & Permit Decisions (Zombie Permit Elimination Act)

POSITION: OPPOSE

Chairman Barve, Vice-Chairman Stein and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 1297.

HB 1297 would require the Maryland Department of the Environment (MDE) to study and make recommendations regarding the Department's permitting process for certain individual surface water discharge permits. The Department would also be required, in conducting the study and making the recommendations, to examine and review certain methods, expectations, measures and tools.

House Bill 1297 requires MDE to investigate opportunities to improve the processing of National Pollutant Discharge Elimination System (NPDES) permit applications and requires MDE to file a report based on its investigations. However, prior to MDE publishing its report on process improvements, HB 1297 would place a 185-day deadline on permitting decisions. Under this deadline procedure, permits deemed "complete", by the deadline, would be approved, and permits deemed "technically deficient" would be denied.

The provisions of HB 1297 reflect a significant misunderstanding of the permitting process. Establishing a 185-day deadline for rendering permit decisions could cause MDE to automatically approve an application even if a permit has not yet been drafted. It is not unusual for permit drafting to occur based on complex negotiations with various parties, as was the case with the issuance of MS4 permits. Approving the MS4

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permits at day 185 would have had no meaning as the technical conditions of the permit were still under discussion. Moreover, MS4 permits cannot really be denied as they address rainfall which is collected and discharged from storm drains into waterways. As a result, permit conditions must be established, regardless of the period of time it takes to resolve the permit conditions. While the legislation is attempting to shorten permit reviews and issuance, the setting of artificial time frames does not remove the necessity for addressing complex environmental conditions covered under NPDES permits.

For the above stated reasons, the BCA respectfully request an **unfavorable** report on House Bill 1297.