



March 4, 2020

Chairman Kumar Barve
Environment and Transportation
House of Delegates

**House Bill 1297 - Individual Surface Water Discharge Permits - Study and Permit Decisions
(Zombie Permit Elimination Act)**

Chairman Barve and distinguished committee members:

Thank you for your consideration of this important piece of legislation that requires the Maryland Department of the Environment (MDE) to study and make recommendations for individual surface water discharge permits in accordance with the National Pollutant Discharge Elimination System (NPDES). This legislation aims to solve the issue of “zombie permits.” A zombie permit occurs when a discharge permit has expired but due to the delayed time it takes MDE to review the application and renew the permit, the Department administratively extends the permit.

Among other requirements, House Bill 1297 will study methods that will help MDE make decisions within 180 days and examine methods for addressing the backlog of administratively extended permits. However, until the Department completes the study, MDE must issue individual surface water discharge permit within 180 days if the applicant demonstrates that all regulatory and statutory requirements are met. Additionally, the legislation will require MDE to deny a permit application if the Department has reviewed the application twice and found technical deficiencies.

The existing system of administrative extensions undoes the objectives of the Clean Water Act by failing to issue new permits with conditions that limit pollution in response to new information. For these reasons, the Chesapeake BaySavers urge a favorable report of House Bill 1297.

Sincerely,

Isaac Meyer on behalf of the Chesapeake BaySavers