



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 1297

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

DATE: MARCH 4, 2020

POSITION: SUPPORT WITH AMENDMENTS

The Chesapeake Bay Foundation (CBF) SUPPORTS HB 1279 WITH AMENDMENTS. If adopted, this bill would decrease the number and extent of expired water pollution discharge permits, better protecting water quality. An amendment to condition the required 180-day review period on receipt of a technically complete application will protect against hastening decision-making on incomplete information.

National Pollutant Discharge Elimination System (NPDES) discharge permits are the primary tool available under the Federal Clean Water Act to reduce pollution from point-source activities that degrade water quality. Point-sources are defined as pollution released from discrete conveyances, such as sewage treatment plants, which release treated wastewater.

NPDES permits govern many aspects of wastewater discharges, including the amount, timing, temperature, and pollutant content (or “load”). To be effective – and comply with the Clean Water Act – permits must reflect the current operations of the facility holding the permit, the current conditions of the receiving waters, and the current level of technology available to minimize or eliminate pollutants in the discharge. These permits must also stipulate monitoring requirements and any offsets, trades or other efforts to maintain permitted loads.

Nearly half of Maryland’s NPDES permits may be out of date, having expired without a renewal from the Maryland Department of the Environment. Practically, this means the terms of the original permit continue in force, even when water quality conditions have worsened or the technology available to protect these waters has improved. As a result, these permits may no longer adequately protect water quality.

HB 1297 would help MDE clear the backlog of expired permits by identifying tools and performance benchmarks to accelerate permit decision-making. It would also set the clear expectation for applicants, the Department, and the public that permits will be renewed (or denied) within six months from the time an application is filed. To preserve public trust, CBF recommends the bill be amended to specify that an application and supporting materials must be technically complete in order to start the 180-day review.

For these reasons, the Chesapeake Bay Foundation recommends a FAVORABLE report WITH AMENDMENTS on HB 1297 from the Environment & Transportation Committee. Please contact Erik Fisher, Maryland Assistant Director and Land Use Planner, at efisher@cbf.org or 443.482.2096 with any questions.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 107,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

AMENDMENTS

On page 2, line 17, strike from (2) through line 20 and insert:

(2) SUBJECT TO PARAGRAPH (D)(3) IN THIS SUBSECTION, THE DEPARTMENT SHALL ISSUE A DECISION ON A PERMIT APPLICATION FOR RENEWAL OF AN INDIVIDUAL SURFACE WATER DISCHARGE PERMIT WITHIN 180 DAYS OF THE END OF THE TERM OF THE PERMIT THAT THE APPLICANT IS RENEWING.

(3) THE DEPARTMENT SHALL NOT ACCEPT A PERMIT APPLICATION FOR REVIEW UNLESS THE APPLICATION IS COMPLETE, INCLUDING ALL NECESSARY DOCUMENTS AND INFORMATION, WHICH ARE PROVIDED IN SUFFICIENT DETAIL FOR THE DEPARTMENT'S TECHNICAL REVIEW OF ALL APPLICABLE REGULATORY AND STATUTORY REQUIREMENTS.

On page 2, line 21, strike "(3)" and insert "(4)"

On page 2, line 25, strike "(4)" and insert "(5)"