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G. Marshall Klinefelter

February 24, 2022

Senator Paul G. Pinsky, Chair  
Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: SB 492 – LETTER OF INFORMATION – Environment – Discharge Permits –  
Inspections and Administrative Continuations**

Dear Chair Pinsky and Members of the Committee:

The Maryland Asphalt Association (MAA) is comprised of 18 producer members representing more than 47 production facilities, 24 contractor members, 24 consulting engineer firms and 41 other associate members. We proactively work with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

Senate Bill 492 limits the period of time for which the Maryland Department of the Environment (MDE) can administratively continue a discharge permit from five years to three years in 2022, and then again from three years to one year in 2027. The bill also requires MDE to inspect the operations of each holder of an administratively continued permit at least once per month and outlines an administrative penalty schedule to be followed should a permit holder be found in significant noncompliance for the same underlying condition after two consecutive months of inspections. Finally, it requires MDE to request half the number of positions to complete these duties by December 31, 2024, with the balance to be requested by December 31, 2025.

Should this Committee desire to act on this bill, MAA requests a clarifying amendment regarding the definition of "administratively continued permit." In the newly created Section 9-328.1(a) of the Environment Article of the Maryland Code, we ask that you make this a two-pronged test that excludes general stormwater discharge permits from these provisions. Thus, the new language would read:

“9-328.1.

(A) IN THIS SECTION, “ADMINISTRATIVELY CONTINUED PERMIT” MEANS A DISCHARGE PERMIT THAT:

**(1) HAS BEEN ADMINISTRATIVELY CONTINUED UNDER DEPARTMENT REGULATIONS IN ACCORDANCE WITH 40 C.F.R. § 122.6(D); AND**

**(2) IS NOT A GENERAL STORMWATER DISCHARGE PERMIT.”**

MAA believes that this clarifying amendment would ensure that the focus of MDE’s enforcement efforts stays on those industries most responsible for the pollution that this bill is seeking to address.

We appreciate you taking the time to address this important issue and we respectfully present the above information and proposed amendment to Senate Bill 492 for your consideration.

Thank you,

A handwritten signature in dark ink, reading "Marshall Klinefelter". The signature is fluid and cursive, with the first name "Marshall" written in a larger, more prominent script than the last name "Klinefelter".

Marshall Klinefelter  
President  
Maryland Asphalt Association