

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: House Bill 921

COMMITTEE: Environmental Matters

POSITION: Oppose

TITLE: Construction Permits – Expiration Dates

BILL ANALYSIS: This bill would repeal and reenact with amendments State Government Article, Section 11-103(a), add to State Government Article, Sections 11-201 and 11-2026, and add to Title 23 under Political Subdivisions Article to:

1. include a development permit under the definition of “Permit” as defined under Section 11-101(D);
2. make the subtitle apply to a permit issued by a county or municipality for a proposed construction or development;
3. establish that the running of the period of approval for any permit issued by a county or municipality shall be tolled beginning on January 1, 2008 and ending on December 31, 2012.
4. under Title 23 include a development permit under the definition of “Permit” as defined under Section 11-101(D);
5. make the title apply to a permit issued by the State for a proposed construction or development;
6. establish that the running of the period of approval for any permit issued by a county or municipality shall be tolled beginning on January 1, 2008 and ending on December 31, 2012.

POSITION AND RATIONALE: MDE opposes HB 921. If this bill is an attempt to extend the expiration date for NPDES general discharge permits for stormwater associated with construction activities then it fails to recognize that the general permit is a joint State-federal permit that must conform with Clean Water Act and EPA requirements. Under those requirements the permit has a five year term from effective date to

expiration date. It is possible that EPA will act against sites in Maryland that are operating under a general permit that has expired and that EPA will take action against MDE's NPDES delegation and grant funding if Maryland does not conform to federal permit requirements.

FOR MORE INFORMATION,
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