STATE OF MARYLAND
MARYLAND DEPARTMENT OF THE ENVIRONMENT
Shari T. Wilson, Secretary

BILL NO: Senate Bill 958

COMMITTEE: Education, Health and Environmental Affairs

POSITION: Support with Amendments

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 supports SB 958 with amendments. Our amendments clarify that the bill does not apply to federal permits. This clarification is necessary because 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.

<u>FOR MORE INFORMATION,</u>
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