

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY AND
OTHER SELECTED NATURAL RESOURCES FOR THE
STATE OF MARYLAND

PREPARED FOR
APPALACHIAN REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY BARRY LAWSON ASSOCIATES

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2525 Riva Road
Annapolis, Maryland 21401

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Washington, D.C. 20235

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SECTION 1.0

INTRODUCTION

This State permit guide for Maryland is one in a series of guidebooks prepared to explain State regulations governing the environmental consequences of the development of energy and other natural resources on State and private land. (This guidebook does not address Federal permits required on Federal lands within the State.) It is designed to provide individuals in both government and the private sector with a concise compilation of State regulations and policies dealing primarily with permitting processes concerning natural resource management and development.

The increasing number of State policies and regulations concerning natural resources, especially energy resources, makes it difficult to gain an accurate yet workable understanding of State procedures without considerable research and technical assistance. The permit guide therefore serves as a reference document to those seeking State environmental and energy resource permit information. It is intended to show clearly what is required by regulatory and permit-issuing State agencies relative to a number of resource- and energy-related areas.

All the information in this permit guide was obtained through personal interviews with representatives of the State agencies in Maryland responsible for the management of a particular resource area. Additional information was obtained directly from the appropriate State laws and regulations. It should be noted that the research was done during the spring of 1981 and that regulations are subject to change.

Most of the State agencies responsible for issuing permits require that applications be submitted on standard forms they provide. Such forms are usually numbered and named by the agency. If no form number is identified in the text, the application form should be requested by name.

The permit guide does not include a legal analysis or interpretation of statutes or regulations, nor is it intended to serve legal purposes. It provides a general summary of environmental and energy resource permit processes within a number of State agencies, and supplies information on selected State and local

policies and procedures, land use regulations, and environmental management. For each subject, the permit guide provides the following information:

Name of Permit
Authorizing Statute
Title of Regulation
Summary of Permit Process
Administering Agency

Corresponding to the growth of Federal, State, and local regulatory powers, the number of formal approvals necessary to initiate a specific development activity has increased substantially. Although each chapter of this guide outlines the major State approvals required for a particular development activity, they do not provide a comprehensive list of the broad range of permits, licenses, and approvals which could potentially be required for an activity, nor do they cross reference other potentially relevant chapters of the guide.

To demonstrate the complexity of this situation, the introduction to the Surface Mining chapter (Chapter 3.1.5) of this guide includes a list of all State approvals which could potentially be required to initiate surface coal mining activities depending on the nature, location, and magnitude of the proposed activities. Such detailed cross referencing and analysis for all chapters is beyond the purpose and scope of this document. Therefore, initial direct contact with the appropriate State agency(ies) is recommended for anyone contemplating any project requiring a permit or other State agency approval.

The following agencies were surveyed and have verified the content of the elements of their particular resource areas:

Department of State Planning

Department of Natural Resources
Energy Administration
Water Resources Administration
Wildlife Administration
Tidewater Administration

Public Service Commission

Department of Economic and Community Development
Maryland Historical Trust

Department of Health and Mental Hygiene
Air Management Administration
Water Management Administration
Waste Management Administration
Community Health Management Program

SECTION 2.0

STATE POLICY AND PROCEDURES FOR
CONSOLIDATED PERMIT PROGRAM

CHAPTER 2.1

STATE CLEARINGHOUSE

INTRODUCTION: The Department of State Planning administers the State Intergovernmental Assistance Clearinghouse in Maryland. The State Clearinghouse was established as a function of the Department in accordance with the provisions of the Federal Intergovernmental Cooperation Act of 1968 as implemented by the Office of Management and Budget revised Circular A-95 and Treasury Circular 1082. The Clearinghouse coordinates the review of applications for Federal grant and loan programs, draft environmental impact statements, nominations to the National Register of Historic Places, disposal of Federal and State excess property, all State plans requiring gubernatorial review, and certain State assistance applications. The Clearinghouse coordinates the review of major projects by circulating information on proposed actions to appropriate units of State and local government and then furnishes recommendations and comments received from these agencies to the agency proposing to undertake the action. The regulations adopted by the Department are applicable to all State agencies and local governments.

- A. **AUTHORIZING STATUTE:** Article 88C, Section 13, Annotated Code of Maryland
- B. **TITLE OF REGULATION:** Title 16: Department of State Planning, Subtitle 02: State Clearinghouse, Chapter 01: Procedures for Reporting of Applications for and Awards of Federal Grants-in-Aid (16.02.01)
- C. **ADMINISTERING AGENCY:** Maryland Department of State
Planning
301 West Preston Street
Baltimore, MD 21201
(301) 383-2467

CHAPTER 2.2

MARYLAND ENVIRONMENTAL POLICY ACT

INTRODUCTION: The Maryland Environmental Policy Act contains 2 substantive provisions: first, State agencies are required to prepare "Environmental Effects Reports" for every proposed State action significantly affecting the quality of the environment, and second, State agencies are required to consider the environment in their decision-making processes.

The Act establishes policies regarding the protection, preservation, and enhancement of the State's environment. It calls for a determination of an optimum balance between economic development and environmental quality, with consideration given to ecologic, economic, developmental, recreational, historic, architectural, aesthetic, and other values.

- A. **AUTHORIZING STATUTE:** Maryland Environmental Policy Act, Natural Resources Article, Section 1-301 et seq., Annotated Code of Maryland, 1957, Article 41, Section 449; 1973, 1st Special Session, Chapter 4, Section 1

- B. **ADMINISTERING AGENCY:** Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401
(301) 269-3041

SECTION 3.0

RESOURCE EXTRACTION

CHAPTER 3.1
ENERGY RESOURCES

3.1.1 OIL AND GAS

INTRODUCTION: The Bureau of Mines in the Maryland Department of Natural Resources, Energy Administration, has the authority to administer the statutes and regulations concerning the drilling and operation of oil and gas wells. The program involves a permit process for all such drilling, operator licensing requirements, and standards for drilling.

- A. **NAME OF PERMIT:** Permit to Drill Well
- B. **AUTHORIZING STATUTE:** Natural Resources Article, Sections 6-101 through 6-404, Annotated Code of Maryland
- C. **TITLE OF REGULATION:** Title 08: Department of Natural Resources, Subtitle 13: Energy and Coastal Zone Administration, Chapter 08: Oil and Gas Wells (08.13.08)
- D. **SUMMARY OF PERMIT PROCESS:**

- 1. **Applicability:** The drilling of oil or gas wells.
- 2. **General Requirements:** Prior to drilling an oil or gas well, the owner or operator of the well must obtain a permit from the Bureau of Mines.
- 3. **Submission Requirements:** Application forms should be obtained from the Bureau of Mines, and application materials must include a map or plat of the area, names and addresses of owners and owners of adjoining tracts, and a \$2,500 bond. Owners must obtain the consent of adjacent landowners for well location. Permit applications should be submitted in triplicate to the Bureau.
- 4. **Procedure for Obtaining a Permit:** The driller must first be licensed to engage in oil or gas well drilling. License application forms may be obtained from the Bureau. References and a detailed record of applicant's training and experience must be submitted with the application.

The Bureau reviews the permit application and notifies the applicant of its completeness. The review and processing time for a permit application may actually take from 1 to 3 months. If a well permit is granted, the permit is issued in duplicate, and 1 copy must be posted at the well site.

5. Operation Requirements: Within 30 days after the completion of the well, the owner must file a completion report with the Bureau, including a complete log of the well describing the initial open flow or volume of the well and closed pressure of the well. In addition, samples of cuttings taken at every bailing of the well (if the well is drilled with cable tools) or at prescribed intervals (if a rotary drilling method is used) must be submitted to the Bureau. Sections 08.13.08.03 and 08.13.08.04 of the Regulations concerning the abandonment of wells explain the procedure for sealing and plugging wells. Owners must notify the Bureau of their intent to abandon a well and must also submit a work order to the Bureau. Operators must comply with regulations regarding location of wells, casing of wells and well-head connections as detailed in Sections 08.13.08.06 through 08.13.08.08 of the Regulations.

6. Fees: Well drillers license: \$5 annually. (No fee for drilling permit)

7. Appeals: Anyone aggrieved by a decision may request an adjudicatory hearing by notifying the Bureau within 30 days of the date of the decision notice.

E. ADMINISTERING AGENCY: Bureau of Mines
Energy Administration
Department of Natural Resources
69 Hill Street
Frostburg, MD 21532
(301) 689-4136

3.1.2 GEOTHERMAL RESOURCES

INTRODUCTION: Maryland's Department of Natural Resources (DNR) administers the Maryland Geothermal Resources Act and is responsible for the management and regulation of geothermal resources. The Act was passed to encourage the exploration and development of geothermal resources in a manner which will avoid waste and unreasonable use of natural resources and to protect the environment. Although no regulations have been adopted at this time, the Act establishes 2 basic controls: a permit for geothermal resource exploratory activities, and a permit to appropriate or use geothermal resources.

A. NAMES OF PERMITS:

1. Geothermal Resources Exploratory Permit
2. Permit to Appropriate or Use Geothermal Resources

B. AUTHORIZING STATUTE: Natural Resources Article, Sections 8-8A-01 through 8-8A-09, Annotated Code of Maryland

C. TITLE OF REGULATION: Regulations have not yet been adopted. Permitting procedures and requirements are included in the Act.

D. SUMMARY OF PERMIT PROCESS:

1. Applicability: All geothermal resource exploration activities, the appropriation or use of any geothermal resources, and the construction of any well, plant, building, or structure which may appropriate or use geothermal resources of the State.

2. General Requirements: A permit is needed to explore for and to use geothermal resources. Permit applicants must have the legal right to use the surface land.

3. Submission Requirements: To obtain an exploratory permit, a written application must be submitted to the Department of Natural Resources (DNR). The application must state the intended location of exploration, provide an exploratory work program, and provide any other information requested by the DNR.

To obtain an appropriation permit, a written application must be submitted to the DNR. The application must include: a project description; list of licenses, permits, or other approvals required by any government unit; alternate site locations; proof of discovery of geothermal resources; and an evaluation of those resources discovered.

4. Procedure for Obtaining a Permit: The DNR may approve an application for an exploratory permit if it determines that the applicant is qualified to conduct exploratory work, that applicant will comply with all applicable laws, and that the applicant's work program provides adequate protection of the natural resources of the State.

After public notice and an opportunity for a public hearing, the DNR may issue a permit for appropriation or use of geothermal resources if the applicant has demonstrated that the use conforms with all applicable air, water, and noise laws of the State; that the use conforms with all applicable State and local plans; that it will cause no material adverse effect on the environment, public health, safety, or welfare; and that it will not overburden the water supply or cause an unreasonable rate of resource exhaustion.

Once permits have been approved, but prior to any construction, the applicant must file a bond with DNR, in an amount determined by DNR.

5. Operation Requirements: Operators must comply with all site specific requirements included as permit conditions.

6. Fees: No fee is charged for the permit application. A well driller must, however, be licensed by the State Board for which there is an annual licensing fee.

7. Appeals: A request for judicial review of a decision may be made within 30 days after the decision has been rendered.

E. ADMINISTERING AGENCY: Water Supply Division
Water Resources Administration
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401
(301) 269-3675

3.1.3 COAL (Open-Pit Mining)

INTRODUCTION: The Bureau of Mines of the Maryland Department of Natural Resources, Energy Administration, has the authority to administer the statutes and regulations concerning open-pit mining operations and to regulate the reclamation of bituminous coal strip mines. Permits are required for such activities, including prospect mining activities.

- A. **NAME OF PERMIT:** Open-Pit Mining Permit
- B. **AUTHORIZING STATUTE:** Natural Resources Article, Section 7-503, Annotated Code of Maryland
- C. **TITLE OF REGULATION:** Title 08: Department of Natural Resources, Subtitle 13: Energy and Coastal Zone Administration, Chapter 04: Operation and Reclamation of Bituminous Coal Strip Mines (08.13.04)

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** The mining of coal by the open-pit mining method.

2. **General Requirements:** A permit for open-pit coal mining must be obtained from the Bureau of Mines.

3. **Submission Requirements:** The owner or operator must submit 5 copies of appropriate application materials to the Bureau of Mines. The application must include: a mining and reclamation plan; names and addresses of key individuals involved in the mining operation; references to deeds, land ownership, landowner consent, and past use of land; a plan for the post-mining use of land; topographic maps; data analysis and deposits; a time schedule; and a groundwater monitoring plan.

4. **Procedure for Obtaining a Permit:** Once the application is deemed complete, the applicant must follow public advertisement and inspection regulations. The Bureau forwards copies of the application to the Water Resources Administration and to the appropriate county soil conservation district. Both agencies have 20 days to review and comment on the application and to participate in a technical site evaluation. If the application indicates that post-mining land use will differ from pre-mining land use, the Bureau provides 45 days for public notice and comment.

When the Bureau's comments are addressed by the applicant, copies of comments and responses are sent to the Water Resources Administration, the county where the mine is sited, the county soil conservation district, and public members of the Land Reclamation Committee. The Bureau, in cooperation with the Water Resources Administration and the Land Reclamation Committee, schedules a public hearing. The Bureau has 10 days after the hearing to approve, deny, or conditionally approve the reclamation plan. With the Land Reclamation Committee's approval, the Bureau then grants, denies, or conditionally approves the permit. The applicant has a 30-day period after the Bureau's notification of permit issuance to file the required fees and bonds as detailed in Section 08.13.04.06 of the Regulations. Within 30 days of permit issuance, the operator must submit copies of all related permits and plans to the Bureau. Review and processing time for permit applications may actually take 4 to 6 months.

5. Operation Requirements: The Bureau may require that groundwater be monitored at the mine site. Sediment control measures must be followed as detailed in Section 08.13.04.13 of the Regulations. Explosives must be handled according to Section 08.13.04.16 of the Regulations. Discharges from the area must meet all applicable Federal and State water quality standards and effluent limitations. Annual mining and reclamation progress reports must be submitted to the Bureau on specified forms.

6. Fees: Permit application fee: \$10.

7. Appeals: Anyone aggrieved by a decision may request an adjudicatory hearing by notifying the Bureau within 30 days of the decision.

8. Special Notes: A person wishing to conduct prospect mining must also obtain a permit from the Bureau. The permit covers an area not greater than 10 acres; a maximum of 100 tons of coal may be removed from any permit area; prospect pit opening must not be more than 1 acre in size and must be backfilled within 30 days after it is opened. The permit is valid for 1 year. The application must include a prospect map and reclamation plan, and appropriate bond as required by the Bureau. Open-pit mining on State-owned land is permitted only according to Section 08.13.04.28 of the Regulations.

E. ADMINISTERING AGENCY: Bureau of Mines
Energy Administration
Department of Natural Resources
69 Hill Street
Frostburg, MD 21532
(301) 689-4136

3.1.4 COAL (Deep Mining)

INTRODUCTION: The State of Maryland's Department of Natural Resources, Energy Administration, Bureau of Mines has the authority to administer the statutes and regulations concerning the deep mining of coal. A permit is required for all deep mining activities.

- A. **NAME OF PERMIT:** Deep Mining of Coal Permit
- B. **AUTHORIZING STATUTE:** Natural Resources Article, Section 7-5A03, Annotated Code of Maryland
- C. **TITLE OF REGULATION:** Title 08: Department of Natural Resources, Subtitle 13: Energy and Coastal Zone Administration, Chapter 02: Deep Mining of Coal (08.13.02)
- D. **SUMMARY OF PERMIT PROCESS:**
 - 1. **Applicability:** All deep coal mining activities.
 - 2. **General Requirements:** A permit to operate a deep mine must be obtained from the Bureau of Mines.
 - 3. **Submission Requirements:** Applicants must submit to the Bureau 8 copies of the application, including such information as appropriate topographic maps, plans for mining and reclamation prepared by a registered professional engineer, data on the mineral resources, and references to deeds or leases whereby surface and mineral rights have been acquired. (see Section 08.13.02.02 of the Regulations for detail)
 - 4. **Procedure for Obtaining a Permit:** Within 10 days of receiving the application, the Bureau reviews the application and notifies the applicant of its completeness determination. The Bureau forwards copies of the application to the Water Resources Administration, the appropriate county soil conservation district, and the Land Reclamation Committee. The Bureau then schedules a site evaluation for these agencies. Each of these agencies has 20 days for review and to provide comments to the Bureau.

If no application modifications are required, or when the application is deemed complete, the Bureau, in cooperation with the Water Resources Administration, schedules a hearing with at least 30 days' advance public notice. Within 10 days of the public hearing the permit is granted, denied, or conditionally granted. Once a permit is granted and prior to the commencement of operations, a surety bond, cash, or certificates of deposit must be filed with the Bureau. The review and processing time for a permit application may actually take from 4 to 6 months.

5. **Operation Requirements:** All activities relating to deep mining operations must comply with Section 08.13.04 of the Regulations, (see Chapter 3.1.3 of this guide) and regulations for face-up and disposal areas, (see Section 08.13.02.10) Regulations for mine opening, sealing, barriers, and subsidence control must be adhered to as detailed in Sections 08.13.02.11 through 08.13.10.13.

6. **Fees:** Permit application fee: \$200.

7. **Appeals:** Anyone aggrieved by a decision may request an adjudicatory hearing on the denial of a permit by notifying the Bureau within 30 days of the date of the denial notice.

E. **ADMINISTERING AGENCY:** Bureau of Mines
Energy Administration
Department of Natural Resources
69 Hill Street
Frostburg, MD 21532
(301) 689-4136

3.1.5 COAL (Surface Mining)

INTRODUCTION: Regulations concerning surface mining of coal in the State of Maryland and the surface effects of deep mining have been promulgated in accordance with the Maryland Strip Mining Program pursuant to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87). The Bureau of Mines in the Department of Natural Resources has the authority to administer the statutes and regulations relating to these areas. A surface mining permit is required for such activities.

In addition to the surface mining permit required for all surface mining activities, a prospective surface mine operator may also be required to obtain the following permits, licenses, and approvals, depending on the location, nature, and magnitude of the proposed activities:

- a surface mine operator's license from the Bureau of Mines,
- a blaster's license from the Division of Fire and Explosives,
- a reclamation permit from the Bureau of Mines in conjunction with the county soil conservation district,
- State or local highway entrance permits,
- county grading permits (See Chapter 4.4 of this guide),
- waterway crossing permits and permits for construction in flood plains (See Chapter 4.3 of this guide),
- wetlands permits (See Chapter 6.3 of this guide),
- water quality permits (See Chapter 5.2 of this guide),
- air quality permits (See Chapter 5.1 of this guide),
- ground water and surface water appropriation permits (See Chapter 5.3.1 of this guide),
- refuse disposal permits (See Chapter 5.4 of this guide),
- hazardous waste permits (See Chapter 5.5 of this guide),

- coastal zone certification (See Chapter 6.4 of this guide), and
- compliance with local zoning ordinances (See Chapter 7.1 of this guide).

A. NAME OF PERMIT: Surface Mining Permit

B. AUTHORIZING STATUTE: Natural Resources Article, Section 7-503, Annotated Code of Maryland

C. TITLE OF REGULATION: Title 08: Department of Natural Resources, Subtitle 13: Energy and Coastal Zone Administration, Chapter 09: Surface Coal Mining and Reclamation under Federally Approved Program (08.13.09)

D. SUMMARY OF PERMIT PROCESS:

1. Applicability: All surface coal mining and reclamation activities.

2. General Requirements: A permit for surface coal mining and reclamation activities must be obtained from the Bureau of Mines prior to engaging in such activities.

3. Submission Requirements: A person seeking a surface mining permit must submit to the Bureau an original application and 4 complete copies, an application to discharge pollutants, and any other permit applications required by the Department of Natural Resources.

Permit applications must include all pertinent technical information and other written materials including: maps and plans, a list of all other licenses and permits needed by the applicant, a certificate of liability insurance, and other data and descriptions as stated in Section 08.13.09.02 of the Regulations.

Section 08.13.09.03 of the Regulations details additional submission requirements for special categories of mining such as experimental practices mining, mountaintop removal mining, steep slope mining, mining on prime farmlands, combined surface and underground mining activities, and augering.

4. Procedure for Obtaining a Permit: Once the application is deemed complete, the applicant must comply with all applicable regulations for public advertisement in a local newspaper and make a copy of the application available for public inspection. Copies of the application are forwarded by the Bureau to the Water Resources Administration, county soil conservation district, and Wildlife Administration. These agencies have 30 days to submit written comments concerning the application to the Bureau and may participate in the on-site evaluation of the proposed area.

A public hearing is scheduled by the Bureau. The Land Reclamation Committee also reviews the application and approves or disapproves the reclamation plan within 10 days following the hearing. The Bureau then has 10 days to complete its review and render a decision. Prior to the issuance of a permit, a general bond and a revegetation bond must be filed by the applicant with the Bureau. Review and processing time for the permit application may actually take from 6 to 8 months.

Applications for permit renewals must be filed with the Bureau at least 120 days before the expiration date of the original permit.

5. Operation Requirements: Surface mining activities must comply with water quality standards and effluent limitations, sediment control measures, fish and wildlife protection programs, explosives requirements, and air resources protection measures. The Bureau will conduct an average of 1 partial inspection per month and 1 complete inspection per calendar quarter of each active strip mining and reclamation operation. Reclamation operation standards are outlined in Sections 08.13.09.31 through 08.13.09.35 of the Regulations and cover topsoil handling, excess spoil disposal, waste handling, backfilling, and revegetation.

6. Fees: Permit application fee: \$10.

7. Appeals: Any person whose interests are adversely affected by the decision of the Bureau may request an adjudicatory hearing by notifying the Bureau within 30 days of the date of the advertisement of permit denial or approval.

E. ADMINISTERING AGENCY: Bureau of Mines
Energy Administration
Department of Natural Resources
69 Hill Street
Frostburg, MD 21532
(301) 689-4136

SECTION 4.0
LAND USE REGULATION

CHAPTER 4.1

MAJOR FACILITY SITING

4.1.1 PUBLIC SERVICE COMMISSION

INTRODUCTION: The Public Service Commission of the State of Maryland has the authority to control and regulate the construction of generating stations and overhead transmission lines. The basic control involves a Certificate of Public Convenience and Necessity which may be issued following a detailed review of the proposed project.

- A. **NAME OF APPROVAL:** Certificate of Public Convenience and Necessity
- B. **AUTHORIZING STATUTE:** Article 78, Sections 54A, 54B(a), and 64, Annotated Code of Maryland
- C. **TITLE OF REGULATION:** Title 20: Public Service Commission, Subtitle 80: Applications Concerning the Construction of Generating Stations and Overhead Transmission Lines, Chapter 01: General Regulations (20.80.01)
- D. **SUMMARY OF CERTIFICATION PROCESS:**
 - 1. **Applicability:** The construction of a generating station or an overhead transmission line designed to carry a voltage in excess of 69,000 volts; the exercise of eminent domain in connection with this construction.
 - 2. **General Requirements:** An electric company must apply for a certificate of public convenience and necessity from the Public Service Commission prior to engaging in these activities.
 - 3. **Submission Requirements:** Application materials must include such information as applicant's name and principal business address; a detailed project description, including environmental and engineering considerations; an estimate of project cost and the proposed financing plans; a statement of project need; and a list of other local, State, or Federal requirements that must be met prior to construction and proof that these approvals have been obtained.

For overhead transmission lines, including those associated with generating stations, the following information is also required: a description of the proposed route, rights-of-way, and alternate routes; a description of the location and identification of aesthetic or historic sites or areas of environmental significance; any environmental impact studies that have been conducted; and a statement as to whether the transmission line is in line with or within 1 mile of either end of a public airport runway.

For generating stations, the following information and documents must be included with the application: a description of the location of the project, including a plat and topographic map of the general area; the name(s) of the body(ies) of water along or near where the station will be built and the identification of any body of water from which water will be withdrawn or into which water will be discharged; a list of aesthetic or historic sites within the proposed area; a description of the probable effect of the station on air quality, water quality, water uses, aquatic biota, and thermal effects on the body of water. In addition, pre-operational monitoring reports describing monitoring operations; surveys, including the location of the nearest public airport runway; studies concerning environmental impacts; and a sediment and erosion control plan approved by the appropriate county soil conservation district must be submitted.

The electric company must also provide a separate document of supporting technical and planning data. Section 20.80.01.06 of the Regulations details this additional information required.

The original application and 6 copies must be submitted to the Power Siting Commission. The applicant must also send a copy of the application to each of the following:

- in each affected county, the governing body and the planning and zoning commission;
- State Department of Health and Mental Hygiene;
- State Department of Transportation;
- State Department of Natural Resources (6 copies);
- State Department of Economic and Community Development;
- State Aviation Commission;
- Department of State Planning;

- State Highway Administration;
- the Regional Planning Council of the Maryland-National Capital Park and Planning Commission, or both, if so affected;
- U.S. Department of the Interior;
- Federal Energy Regulatory Commission;
- Federal Aviation Commission; and
- all other local, State, or Federal agencies affected.

4. Procedure for Obtaining a Certificate: The Power Siting Commission holds a hearing on the application in accordance with Article 78, Sections 54A and 54B, Annotated Code of Maryland. The Power Siting Commission requires the applicant to advertise the public hearing in local newspapers.

5. Operation Requirements: Operation requirements are included as conditions in the issued certificate and are based on case record.

6. Fees: None

7. Appeals: Any person whose interests are adversely affected by a decision of the Commission may request an adjudicatory hearing within 30 days of the final decision of the Commission.

E. ADMINISTERING AGENCY: Public Service Commission
 American Building
 231 East Baltimore Street
 Baltimore, MD 21202
 (301) 659-6066

4.1.2 POWER PLANT SITING AND RESEARCH PROGRAM

INTRODUCTION: Subtitle 3 of the Natural Resources Article establishes a Power Plant Siting and Research Program administered by the Energy Administration within Maryland's Department of Natural Resources. Section 3-303 of the Article establishes a Power Plant Environmental Research Program whereby the Secretary of the Department of Natural Resources, in cooperation with the Secretaries of Health and Mental Hygiene, Agriculture, State Planning, and Economic and Community Development, and electric company representatives will implement a continuing research program for electric power plant site evaluation and related environmental and land use considerations. The Department of Natural Resources coordinates research assignments to prevent dissipation of money, time, and effort. To this end, the State's electric companies are reimbursed from the Environmental Trust Fund, also established in this Article, for environmental research specifically required to satisfy application and permit requirements for any Federal, State, or local regulatory agencies. The electric company must request reimbursement in advance and provide an outline of the research program and its estimated cost.

- A. AUTHORIZING STATUTE: Natural Resources Article, Section 3-303, Annotated Code of Maryland
- B. TITLE OF REGULATION: Title 08: Department of Natural Resources, Subtitle 13: Energy and Coastal Zone Administration, Chapter 01: Power Plant Siting Program (08.13.01)
- C. SUMMARY OF GUIDELINES FOR RESEARCH REIMBURSEMENT: The electric company must submit its request for reimbursement to the Secretary of Natural Resources at least 90 days before the proposed research project is to begin. Reimbursement requests must include a research project plan and an indication as to how the contractor was chosen. The Secretary of Natural Resources has 60 days to notify the electric company of its decision. If a request is accepted, it will be submitted by the Secretary in the next annual budget. Funding availability is contingent upon funds being approved by the State legislature.
- E. ADMINISTERING AGENCY Energy Administration
 Department of Natural Resources
 Tawes State Office Building
 580 Taylor Avenue
 Annapolis, MD 21401
 (301) 269-2261

CHAPTER 4.2

LAND USE

INTRODUCTION: The Maryland Department of State Planning has the responsibility to administer the State's Critical Areas Program. This Program involves the designation of areas of critical concern as critical areas and ensures that those areas will be used in a manner most compatible with their special attributes. The designation also serves to alert Federal, State, and local decision-makers, in both government and the private sector, to the need for coordination in the development of Maryland's natural resources.

A specific geographical area of the State can be designated a critical area based on studies of physical, social, economic, and governmental conditions and trends. Such a critical area must be so unusual or significant in importance that special management is required to ensure the area's preservation, conservation, or proper utilization.

The Secretary of the Department of State Planning has the authority to identify and designate areas of critical State concern based on the recommendations made by local governments. These recommendations include proposed management schemes that would be administered by the local government.

- A. **AUTHORIZING STATUTE:** Article 41, Paragraph 226e; Article 66B, Paragraph 3.05 (a)(7); Article 88C, Paragraph 2(b)(3), Annotated Code of Maryland
- B. **ADMINISTERING AGENCY:** Comprehensive Policy Planning Division
Maryland Department of State Planning
301 West Preston Street
Baltimore, MD 21201
(301) 383-2455

CHAPTER 4.3

FLOOD PLAIN MANAGEMENT

INTRODUCTION: The Department of Natural Resources has the responsibility to develop and implement a long-range, comprehensive flood management program for controlling flood waters in the State. The Department's Water Resources Administration (WRA) has the authority to regulate construction on non-tidal waters and flood plains. The basic control involves a wetlands permit process.

- A. **NAME OF PERMIT:** Wetlands Permit
- B. **AUTHORIZING STATUTE:** Natural Resources Article, Sections 8-801 through 8-814, Annotated Code of Maryland
- C. **TITLE OF REGULATION:** Title 08: Department of Natural Resources, Subtitle 05: Water Resources Administration, Chapter 03: Construction on Non-Tidal Waters and Flood Plains (08.05.03)
- D. **SUMMARY OF PERMIT PROCESS:**
 - 1. **Applicability:** The construction, reconstruction, repair, or alteration of a dam or reservoir; the changing of the course, current, or cross-section of a stream or body of water within the State, except tidal waters, including any changes to the 100-year frequency flood plain of free-flowing streams; filling or dredging in tidal waters.
 - 2. **General Requirements:** A permit is required from the Water Resources Administration for all such activities.
 - 3. **Submission Requirements:** Application forms available from the WRA for permits should be completed and submitted to the WRA. Applications must include all studies, surveys, calculations, tests, and data necessary for determining the adequacy of the project design and must list the benefits to be derived from the project. Maintenance and operation of the proposed project throughout its existence must be ensured. The application will not be processed until the applicant certifies, in writing, that all local land use requirements have been satisfied.

4. Procedure for Obtaining a Permit: The procedural rules vary depending upon type of proposed structure and are detailed in the following sections of the Regulations:

- 08.05.03.04 Dams and Reservoirs
- 08.05.03.05 Bridges and Culverts
- 08.05.03.06 Changes in Stream Channels or Flood Plains
- 08.05.03.07 Temporary Construction in a Stream Channel or Flood Plain

The WRA has set general criteria for review of applications. These criteria include a determination as to whether the project is located on a stream in the State Scenic and Wild Rivers Program; whether the project would allow blockage of free passage of fish; whether the project would interfere with flood control; or whether the project would adversely affect wildlife and agricultural drainage criteria.

5. Operation Requirements: Permits may be reviewed to determine if conditions have been satisfied or if the permit should be modified, suspended, or revoked. The applicant must comply with any monitoring equipment requirements or monitoring methodology as specified in the permit.

6. Fees: None

7. Appeals: Requests for adjudicatory hearings may be submitted to the Director of Water Resources Administration within 15 days of the notice of its decision.

E. ADMINISTERING AGENCY: Water Resources Administration
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401
(301) 269-3846

CHAPTER 4.4

EROSION AND SEDIMENT CONTROL

INTRODUCTION: The Water Resources Administration in the Maryland Department of Natural Resources has adopted criteria and procedures for counties and local soil conservation districts to implement soil and shore erosion control programs. In general, the criteria involve land clearing, soil movement, and construction. Building and grading permits may be issued by the county or municipality based on sediment control plan approval. The DNR conducts review and evaluation of all sediment control programs every 3 years.

- A. **NAME OF APPROVAL:** Sediment Control Plan Approval
- B. **AUTHORIZING STATUTE:** Natural Resources Article Sections 8-1101 through 8-1108, Annotated Code of Maryland
- C. **TITLE OF REGULATION:** Title 08: Department of Natural Resources, Subtitle 05: Water Resources Administration, Chapter 01: Sediment Control (08.05.01)
- D. **SUMMARY OF APPROVAL PROCESS:**
 - 1. **Applicability:** Any land clearing, grading, or other earth disturbance except: agricultural land management practices and construction of agricultural structures; construction of single-family residences or their accessory buildings on lots of 2 acres or more; minor projects; any State or Federal project on State-owned land; any utility project in Prince George's and Montgomery counties under jurisdiction of Washington Suburban Sanitary Commission; or any project within a municipality not within a soil conservation district.
 - 2. **General Requirements:** The above mentioned activities require the approval by the appropriate soil conservation district; the Department of Natural Resources (DNR) in cases of State, Federal or State-owned land projects; joint approval of both the soil conservation district and the DNR; the municipality; or the Washington Suburban Sanitary Commission.
 - 3. **Submission Requirements:** When approval of the soil conservation district, municipality, or Washington Suburban Sanitary Commission is required, the application for approval must be made in accordance with procedures established by the district or jurisdiction.

If approval by DNR is required, the application must include a vicinity sketch; a plan including existing topography, proposed grading and earth disturbance, and design of erosion and sediment control provisions; a construction time schedule; a description of soil types; storm drainage provisions; and any other data deemed necessary by the DNR for adequate review.

4. Procedure for Obtaining Plan Approval: Approval of sediment control plans by the DNR, soil conservation districts, Washington Suburban Sanitary Commission, or municipality must be given in a "timely manner". Approval is based on review and recommendations concerning the adequacy of erosion and sediment control measures by the respective technical staffs. Site-evaluations may be performed. In cases involving joint approval, the application is submitted to the district and then to the DNR.

When the application and plans are deemed acceptable, the DNR will stamp the original plan approved and submit a letter of approval to the applicant.

5. Permittee Requirements: Permittees must comply with an enforcement and inspection program administered by the approving authority which ensures compliance with original plans. Permittees must also comply with Water Resources Administration oversight and enforcement where appropriate or necessary.

6. Fees: None

7. Appeals: Requests for adjudicatory hearings may be submitted to the Director of the Water Resources Administration within 15 days of notice of decision.

8. Special Notes: The State has provided model ordinances for county guidance.

E. ADMINISTERING AGENCY: Water Resources Administration
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401
(301) 269-3846

CHAPTER 4.5

WATER RESOURCES MANAGEMENT

INTRODUCTION: Maryland's groundwater regulations, administered by the Water Resources Administration (WRA) of the Department of Natural Resources (DNA) provide a program to protect the supply and quality of groundwater. The basic controls include groundwater and surface water appropriation permits and well drilling permits and well construction standards.

A. NAMES OF PERMITS:

1. Groundwater Appropriation Permit
2. Surface Water Appropriation Permit
3. Permit to Drill Wells

B. AUTHORIZING STATUTE: Natural Resources Article, Sections 8-801 through 8-814, Annotated Code of Maryland

C. TITLE OF REGULATION: Title 08: Department of Natural Resources, Subtitle 05: Water Resources Administration, Chapter 02: Groundwater Regulations (08.05.02)

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** The appropriation or use of water and/or the construction of any building, plant or structure, which may appropriate or use any waters of the State, whether surface or underground; the drilling of any water well or test hole.

2. **General Requirements:** Prior to starting a regulated activity, all persons must obtain the appropriate permit from the WRA. Permits are not required for in-place recreational uses of water, for domestic uses of water, or for the use of water for farming purposes.

3. Submission Requirements:

Water Appropriation Permits: Applicants must submit the appropriate application form to the WRA. Applications must include the following information: a description of the need for the quantity of water requested, evidence that the proposed use will not violate water quality standards, and a description of the proposed use and proposed method of wastewater treatment.

Well Drilling Permits: Applicants must submit the appropriate application form to the WRA. Separate applications must be submitted for each well, test hole, or group of test holes to be drilled or constructed.

4. Procedure for Obtaining a Permit:

Water Appropriation Permits: On receiving complete application materials, the WRA will issue a permit if the proposed use complies with all applicable regulatory standards and requirements. A public hearing on the application will be held if the proposed maximum use of groundwater will exceed 5,000 gallons per day when it is west of the fall line or if the proposed maximum use exceeds 10,000 gallons per day when it is east of the fall line. Permits for surface water appropriation are valid for a period not to exceed 10 years. Permits for groundwater appropriation are valid for a period not to exceed 5 years.

Well Drilling Permits: Well drillers must be licensed before applying for a well drilling permit. Permit applicants must also obtain sign-off approval from the appropriate county health department or from the Department of Health and Mental Hygiene prior to submitting a permit application to the WRA.

On receiving complete application materials, the WRA will issue a notice of rejection or approve the application within 3 days. Well drilling permits are valid for 6 months and may be extended for 6 months upon application to the WRA.

5. Operation Requirements:

Water wells must be constructed in accordance with the standards outlined in Section 08.05.02.03C of the Regulations. All applicable requirements for drilling and test drilling must be adhered to. The WRA will inspect the drilling site to determine if all such requirements have been met.

Well completion reports must be submitted to the WRA within 30 days of drilling completion. Pumpage records must be submitted biannually and must include a record of the total gallons pumped per month for each well or aquifer. Wells must be abandoned in accordance with the requirements outlined in Section 08.05.02.04 of the Regulations.

Surface water users must submit records describing the dates of water use, the quantity of water used, the quantity of water returned to the receiving body, reservoir storage levels, and the quantity of water released from the reservoir.

6. Fees: None

7. Appeals: The applicant may request an appeal of a decision within 30 days notice of final determination, pursuant to Administrative Procedures Act, Article 41, Section 244 et seq., Annotated Code of Maryland.

8. Special Notes: Old wells needing to be reworked or repaired, but not deepened, may be repaired under the original permit number. Written approval from WRA is required to deepen a well.

E. ADMINISTERING AGENCY: Water Resources Administration
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401
(301) 269-3846

SECTION 5.0
ENVIRONMENTAL QUALITY MANAGEMENT

CHAPTER 5.1

AIR QUALITY

INTRODUCTION: It is the policy of the State of Maryland to "maintain that degree of purity of the air resources of the State which will protect the health, general welfare, and property of the people of the State." The State Department of Health and Mental Hygiene has jurisdiction to control emissions into the air and ambient air quality. Generally, the air quality regulations established by the Department set emission standards and establish construction and operating permitting processes.

A. NAMES OF PERMITS:

1. Construction Permit
2. Operating Permit

B. AUTHORIZING STATUTE: Air Quality Control, Article 43, Sections 690 through 706A, Annotated Code of Maryland

C. TITLE OF REGULATION:

1. Construction and Operation Permits: Title 10: Department of Health and Mental Hygiene, Subtitle 18: Air Pollution, Section 02: Permits, Approvals, and Registration (10.18.02)

2. Air Emission Standards: Title 10: Department of Health and Mental Hygiene, Subtitle 18: Air Pollution, Section 03: State-Adopted National Ambient Air Quality Standards and Guidelines (10.18.03), Section 04: State Ambient Air Quality Standards (10.18.04), and Section 06: General Emission Standards, Prohibitions and Restrictions (10.18.06)

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** The construction or modification of the following types of air emission sources: a new source impacting on a non-attainment area, except for generating stations constructed by electric companies; a new source performance standard source, except for generating stations constructed by electric companies; a national emission standards for hazardous air pollutants source, except for generating stations constructed by electric companies; other installations, unless exempted as listed in Section 10.18.02.03 (A)(1)(e) of the Regulations; and the operation of certain types of installations as detailed in Section 10.18.02.03 (B) of the Regulations.

2. **General Requirements:** A construction permit and an operating permit are necessary for the sources and installations described above.

3. **Submission Requirements:** Applications to construct or to operate must be made to the Department on designated forms. A construction permit application must include detailed plans, specifications, and maps as deemed necessary by the Department to determine whether the source or installation can operate in continuous compliance with emission standards. An operations application must be submitted 60 days prior to scheduled operation commencement or 60 days prior to the expiration of a current permit.

4. **Procedure for Obtaining a Permit:** In general, the Department acknowledges receipt of the following permit applications within 10 days: a 100-ton source; a new source in a non-attainment area; a Prevention of Significant Deterioration (PDS) source; a national emission standards for hazardous air pollutants source; a new source performance standard; and operation permit applications. Within 60 days after the receipt of a completed application, the Department will issue or deny the permit. In some cases applicants must comply with public advertising and notice requirements prior to the issuance of a permit. At the end of the public comment period, the Department will make a final decision on the application.

Public hearings are not required prior to issuing construction permits for sources not listed in Section 10.18.02.03(H) of the Regulations. The Department will issue permits within 60 days, providing the application is complete and the Department is satisfied that the source will be constructed in compliance with all applicable regulatory requirements.

5. **Fees:** Section 706 of Article 43 was expanded in 1979 to allow for eventual permitting fees but at this time no fees are required.

6. **Appeals:** The applicant may request reconsideration of the application within 30 days of the final determination pursuant to the Administrative Procedures Act, Article 41, Section 244 et seq., Annotated Code of Maryland.

E. SUMMARY OF AIR EMISSION STANDARDS:

1. **Applicability:** All sources emitting air contaminants.

2. **General Standards and Requirements:** Ambient air quality standards have been adopted for 7 air contaminants: particulates, sulfur oxides, carbon monoxide, ozone, nitrogen dioxide, lead hydrocarbons, and fluorides. The standards are designed to protect and maintain the degree of purity of the air resources of the State which will protect the health, general welfare, and property of the people of the State.

Specific emission control regulations and testing and reporting requirements have been adopted for all sources, including: open fires, incinerators, fuel-burning equipment, iron and steel production installations, petroleum production and petroleum products installations, agriculturally-related installations, specific sources of volatile organic compounds, and mobile sources.

3. **Operation Requirements:** The Department may require testing to be conducted or monitoring equipment to be installed on both new and existing stationary emission sources to determine compliance with emission standards. Records and reports on emissions must be submitted to the Department in an approved manner and on an approved schedule. Excess emissions or malfunctions must be reported to the Department immediately.

F. **ADMINISTERING AGENCY:** Air Management Administration
Maryland State Department of Health
and Mental Hygiene
201 West Preston Street
Baltimore, MD 21201
(301) 383-2779

CHAPTER 5.2

WATER QUALITY STANDARDS AND REGULATIONS

INTRODUCTION: The State of Maryland has adopted water quality standards consistent with the regulatory requirements of the National Pollutant Discharge Elimination System (NPDES), established pursuant to Section 402 of the Federal Water Pollution Control Act and Amendments. The regulations are administered by the Department of Health and Mental Hygiene and establish both a discharge permit process and water quality standards.

- A. **NAME OF PERMIT:** NPDES Permit
- B. **AUTHORIZING STATUTE:** Natural Resources Article, Sections 8-1405 through 8-1413.2, Annotated Code of Maryland
- C. **TITLE OF REGULATION:** Title 08: Department of Natural Resources, Subtitle 05: Water Resources Administration, Chapter 04: Water Pollution Control (08.05.04)
- D. **SUMMARY OF PERMIT PROCESS:**
 - 1. **Applicability:** The discharge into State waters, including underground waters, of any wastes in excess of 10,000 gallons per day; the discharge of wastes or wastewaters; the construction or modification of waste disposal systems; the increase or modification of a discharge under an existing permit.
 - 2. **General Requirements:** An NPDES permit is necessary for all regulated activities.
 - 3. **Submission Requirements:** A complete application must be filed on the appropriate discharge permit form and must include information describing site location, plans and specifications, names of affiliates, and a list of permit numbers for any NPDES or State discharge permits presently held.
 - 4. **Procedure for Obtaining a Permit:** Upon receiving an application, the Water Management Administration will prepare a tentative determination and fact sheet, organize the distribution of submitted information, and schedule a hearing. Permits will be issued for a 5-year period once the Administration determines that applicants are in compliance with all applicable regulations.

5. Operation Requirements: The Administration will determine required monitoring equipment on a case-by-case basis. The permittee must monitor the operations and retain monitoring activity records for 3 years. Monitoring reports must be made to the Administration on a quarterly basis.

6. Fees: Fee schedules are set according to the U. S. Environmental Protection Agency's National Schedule of Fees.

7. Appeals: The applicant may request the reconsideration of an application within 30 days after receipt of the final determination pursuant to the Administrative Procedures Act, Article 41, Section 244 et seq., Annotated Code of Maryland.

E. SUMMARY OF WATER QUALITY STANDARDS:

Sections 08.05.04.02 through 08.05.04.07 of the Regulations describe water quality standards and criteria, including groundwater quality standards, effluent limitations, use of toxic materials for aquatic life management purposes, and prevention of oil pollution.

F. ADMINISTERING AGENCY: Water Management Administration
Department of Health and Mental
Hygiene
201 West Preston Street
Baltimore, MD 21201
(301) 383-3123

CHAPTER 5.3

PUBLIC WATER SUPPLY

INTRODUCTION: Maryland's drinking water regulations are administered by the Department of Health and Mental Hygiene's Water Management Administration through the Inspection and Compliance Program. The Program regulates the construction and operation of public water supply systems through a permit process.

- A. NAME OF PERMIT: Drinking Water Supply Construction Permit
- B. AUTHORIZING STATUTE: Department of Health and Mental Hygiene, Article 43, Sections 386A through 386K, Annotated Code of Maryland
- C. TITLE OF REGULATION: Title 10: Department of Health and Mental Hygiene, Subtitle 17: Sanitation, Chapter 07: Quality of Drinking Water in Maryland (10.17.07)
- D. SUMMARY OF PERMIT PROCESS:
 - 1. Applicability: Construction, modification, and operation of any new or existing public water supply system, EXCEPT those systems which consist only of distribution and storage facilities and do not have any collection and treatment facilities; obtain all of their water from, but are not owned or operated by, a supplier of water to which this regulation applies; do not sell water to any person; or are not used by a carrier which conveys passengers in interstate commerce.
 - 2. General Requirements: Prior to starting a regulated activity, a permit must be obtained from Department of Health and Mental Hygiene. In addition, applicants must comply with the Water Pollution Control Regulations of the Department of Natural Resources. (See Chapter 5.2 of this guide)
 - 3. Submission Requirements: Complete application materials on designated forms must be filed with the Water Management Administration.
 - 4. Procedure for Obtaining a Permit: Suppliers may be granted a variance or exemption from any requirement, upon written request, which must include detailed evidence that use of the best available treatment technology has been made, including economic and legal factors, best results, proposed compliance schedules, and emergency plans. A complete application will be acted upon within 90 days. Denial from the Department will be in writing and the applicant has 30 days to present argument and/or additional information.

A granted variance allows an opportunity for public hearing. If no request is made for a hearing, the variance becomes effective in 30 days. After a public hearing is held, the Department has 30 days to confirm, revise, or rescind the proposed variance.

5. Operation Requirements: A supplier of water must comply with sampling and analytical requirements, including monitoring of radioactivity when suppliers use surface sources. Reports of testing results must be filed within 40 days with the Division of Water and Sewage, Environmental Health Administration. Suppliers must also comply with regulations with respect to public notification of variances, exemptions, and non-compliance with standards. Records of testing and analysis must be kept for the required number of years specified in the Regulations.

6. Fees: None

7. Appeals: Applicants may request reconsideration of an application within 30 days of the final determination in accordance with the Administrative Procedures Act, Article 41, Section 244 et seq., Annotated Code of Maryland.

E. ADMINISTERING AGENCY: Inspection and Compliance Program
Water Management Administration
Department of Health and Mental
Hygiene
201 West Preston Street
Baltimore, MD 21201
(301) 383-2740

CHAPTER 5.4

SOLID WASTE MANAGEMENT

INTRODUCTION: The Department of Health and Mental Hygiene has the responsibility and authority for regulating solid waste disposal in Maryland. The solid waste management regulations establish a coordinated statewide program to control solid waste processing and disposal in cooperation with Federal, State, and local agencies responsible for the prevention, control, or abatement of air, water, and land pollution. Prior to constructing or operating a solid waste disposal system, all persons must obtain a permit from the Department.

A. **NAME OF PERMIT:** Refuse Disposal Permit

B. **AUTHORIZING STATUTE:** Article 43, Sections 388 and 394, Annotated Code of Maryland

C. **TITLE OF REGULATION:** Title 10: Department of Health and Mental Hygiene, Subtitle 17: Sanitation, Chapter 11: Installation and Operation of Systems of Refuse Disposal for Public Use (10.17.11)

D. **SUMMARY OF PERMIT PROCESS:**

1. **Applicability:** The construction, modification, expansion, or operation of a refuse disposal system.

2. **General Requirements:** Prior to engaging in a regulated activity, all persons must obtain a refuse disposal permit from the Department.

3. **Submission Requirements:** Applicants must submit a standard application form to the Department. Applications must include information describing the proposed site's soils, geology, hydrology, leachate management methods, ground water elevations, known problems, if any, with nearby contaminated wells, and be accompanied by well completion reports from nearby water wells.

4. **Procedure for Obtaining a Permit:** Once an application is received, an inspection of the site is organized by the Department. In addition to the Department of Health and Mental Hygiene, several other agencies are notified about the project and inspection, including the Department of Natural Resources, the Maryland Environmental Service, the U.S. and Maryland Geological Surveys, the appropriate county health department, the appropriate county soil conservation district, the State Highway Administration, and the Federal Aviation Administration.

Following the inspection, these agencies may comment on the application and request additional information and data from the applicant. A second review period will then follow this comment period. If proposed operating plans and specified hours are deemed satisfactory, a public hearing will be scheduled. Following the hearing, the Department will grant, deny, or conditionally grant the refuse disposal permit.

5. Operation Requirements: The project must comply with all county zoning and land use requirements and with the approved county solid waste management plan. The regulations specify standards and operating procedures with minimum requirements for unloading; spreading; compacting; daily, intermediate, and final cover; grading; drainage; and environmental protection. Plans for the future use of the land, after close-out, must be approved by the Secretary of the Department of Health and Mental Hygiene and the operator must comply with these approved plans.

6. Fees: None

7. Appeals: The applicant may request reconsideration of the application within 30 days of receipt of the final determination of the Department pursuant to the Administrative Procedures Act, Article 41, Section 244 et seq., Annotated Code of Maryland.

E. ADMINISTERING AGENCY: Waste Management Administration
Department of Health and Mental
Hygiene
201 West Preston Street
Baltimore, MD 21201
(301) 383-2771

CHAPTER 5.5

HAZARDOUS WASTE MANAGEMENT

INTRODUCTION: The Hazardous Substances Disposal Act was enacted in 1976 to regulate and control the safe disposal, transportation, and storage of hazardous wastes, and to encourage the reuse and recycling of hazardous wastes. The regulations contain 2 types of basic controls: (1) a permit for facilities that produce designated hazardous substances, and (2) facilities standards which must be maintained by generators, transporters, and owners and operators of hazardous waste treatment, storage, and disposal facilities.

- A. **NAME OF PERMIT:** Permit for Designated Hazardous Substance Facilities
- B. **AUTHORIZING STATUTE:** Hazardous Substances Disposal Act, 1976, Natural Resources Article, Section 8-1413.2, Annotated Code of Maryland
- C. **TITLE OF REGULATION:** Title 10: Department of Health and Mental Hygiene, Subtitle 51: Disposal of Designated Hazardous Substances, Section 07: Permits for DHS Facilities, December, 1980 (10.51.07) (Previously: Title 08: Department of Natural Resources, Subtitle 05: Water Resources Administration, Chapter 05: Control of the Disposal of Designated Hazardous Substances)
- D. **SUMMARY OF PERMIT PROCESS:**
 - 1. **Applicability:** The construction and operation of any designated hazardous substance facility.
 - 2. **General Requirements:** Prior to engaging in a regulated activity, all persons must obtain a permit from the Department.
 - 3. **Submission Requirements:** An application for a permit to maintain or operate a facility must be submitted to the Department on specified forms. An applicant may be required to provide additional geographic, geologic, hydrologic, engineering, or environmental information; conduct additional site-specific studies; prepare an operations manual; or prepare contingency plans for emergencies. Applicants must also satisfy the financial responsibility requirements of Section 10.51.05.08 of the Regulations.

4. Procedure for Obtaining a Permit: Prior to submitting a permit application to the Department, the applicant must apply for an Environmental Protection Agency (EPA) identification number from the Secretary of the Department of Health and Mental Hygiene. On receiving a completed application, the Department will notify the appropriate State agencies that may review and comment on the application within 30 days. The Department will then issue a written preliminary determination as to whether a permit should be issued. If a permit is to be issued, the Department prepares a draft facility permit, notifies the public of its intent to grant a permit, and provides an opportunity for a public hearing. In addition, notice is published in the Maryland Register and sent to appropriate county agencies and other interested government agencies. Written comments from interested parties must be submitted to the Department within 5 days after the close of the hearing record.

Within 60 days of the close of the written comment period, the applicant is notified in writing of the final determination of the Department.

5. Operation Requirements: A permit may be suspended or revoked in whole or in part if the operator fails to follow all applicable regulations or fails to fulfill the requirements and conditions specified in the permit. A permit may be transferred, provided the new operator maintains all conditions of the permit and written approval is obtained from the Department.

6. Fees: Permit fees are based on such considerations as acreage involved in the facility, the nature and quantity of waste anticipated, monitoring costs, and program development costs. The minimum fee is \$50.

7. Appeals: The applicant may request reconsideration of an application within 30 days of receipt of the final determination of the Department pursuant to the Administrative Procedures Act, Article 41, Section 244 et seq., Annotated Code of Maryland.

E. SUMMARY OF STANDARDS APPLICABLE TO GENERATORS:

A generator who treats, stores, or disposes of hazardous waste must comply with the regulations outlined in Section 10.51.03. These regulations specify procedures for the determination of a waste as hazardous, obtaining a U.S. Environmental Protection Agency identification number, record-keeping and the required manifest system, additional reporting and pre-transport packaging requirements, and farmers' disposal of waste pesticides.

F. SUMMARY OF STANDARDS APPLICABLE TO TRANSPORTERS:

A transporter must have applied for and received a U. S. Environmental Protection Agency identification number prior to transporting any wastes. Only wastes accompanied by a properly completed manifest may be transported. The manifest and record-keeping requirements must be strictly adhered to. In the event of a discharge of hazardous waste during shipment, the transporter must take all appropriate immediate actions to protect human health and the environment.

G. SUMMARY OF STANDARDS FOR OWNERS AND OPERATORS OF TREATMENT, STORAGE, AND DISPOSAL FACILITIES:

The regulations establish minimum State standards which define the acceptable management of hazardous waste during the interim status period of the State's hazardous waste program and apply to all treatment, storage, or disposal of hazardous waste at these facilities.

Every facility owner or operator must: apply to the Department for a U. S. Environmental Protection Agency identification number; notify the Department of any waste received from foreign sources at least 4 weeks in advance; comply with general waste analysis specifications; establish and maintain proper security measures at the facility; conduct inspections and monitoring for malfunctions, deteriorations, operator errors, and discharges; conduct a program of employee instruction and training; and adhere to general requirements for ignitable, reactive, or incompatible wastes. In addition, facility owners and operators must adhere to specifications concerning the design and operation of the facility, required equipment, testing and maintenance of equipment, and arrangements with local authorities for emergency response procedures and contingency plans.

Owners and operators of facilities must comply with the manifest system of record-keeping; groundwater monitoring requirements; closure and post-closure plans; financial requirements with respect to facility closure; requirements for proper use and management of containers; regulations pertaining to storage tanks, surface impoundments, waste piles, land treatment, landfills, incinerators, and underground injection; and requirements for thermal, chemical, physical, and biological treatment.

H. ADMINISTERING AGENCY: Waste Management Administration
Department of Health and Mental
Hygiene
201 West Preston Street
Baltimore, MD 21201
(301) 383-5734

CHAPTER 5.6

NOISE REGULATIONS

INTRODUCTION: The Environmental Noise Act of 1974 establishes State policy with regard to the control of noise and calls for the establishment of ambient noise standards, enforcement regulations, and the coordination of activities among State agencies involved with noise control. The Community Health Management Program in the Department of Health and Mental Hygiene is responsible for enforcing the provisions of the Act.

A. **AUTHORIZING STATUTE:** Environmental Noise Act of 1974, Article 43, Section 822, Annotated Code of Maryland

B. **TITLE OF REGULATION:** Title 10: Department of Health and Mental Hygiene, Subtitle 20: Noise Pollution, Chapter 01: Control of Noise Pollution (10.20.01)

C. **SUMMARY OF REGULATION:**

1. **Applicability:** All sources emitting noise at levels above the designated environmental noise standards. Section 10.20.01.03 of the Regulations lists exemptions for certain sources, including household tools during normal usage, certain types of blasting operations, motor vehicles on public roads, and emergency warning devices.

2. **General Requirements:** A person may not cause or permit noise levels which exceed those specified in the environmental noise standards. Ambient noise standards have been adopted for the State by general zoning district.

3. **Variance Procedure:** A request for an exemption may be filed in writing and must include evidence of why compliance is not practical. On receiving an application, the Department schedules a public hearing on the variance application. An exemption may be granted by the Secretary based on evidence presented at the hearing. An exemption may be granted for periods of up to 5 years, and may be renewed upon proper application to the Department.

4. **Compliance Requirements:** Maximum allowable noise levels for each land use category have been set and must be complied with. Anyone in violation of the regulations must submit a plan for compliance or be liable to a civil penalty.

5. **Fees:** None

6. Appeals: The applicant may request reconsideration of the final determination of the Department within 30 days of the notice of the determination pursuant to the Administrative Procedures Act, Article 41, Section 244 et seq., Annotated Code of Maryland.

E. ADMINISTERING AGENCY: Community Health Management Program
Department of Health and Mental
Hygiene
201 West Preston Street
Baltimore, MD 21201
(301) 383-2716

SECTION 6.0
SOCIAL/ECOLOGICAL PRESERVATION

CHAPTER 6.1

RARE AND ENDANGERED SPECIES

INTRODUCTION: Maryland's Nongame and Endangered Species Conservation Act augments the Federal Endangered Species Act of 1973. The Act is designed to promote research, conservation, protection, restoration, and propagation of selected endangered wildlife species in the State. It prohibits the possession of State- and Federally-listed endangered species, without a special permit for a specific activity. The Maryland Department of Natural Resources, Wildlife Administration administers the provisions of the Act.

- A. **NAME OF PERMIT:** Endangered Wildlife Species Permit
- B. **AUTHORIZING STATUTE:** The Maryland Nongame and Endangered Species Conservation Act of 1975, Natural Resources Article, Section 10.2A01, Annotated Code of Maryland
- C. **TITLE OF REGULATION:** Title 08: Department of Natural Resources, Subtitle 03: Wildlife Administration, Chapter 01: Wildlife Conservation, Section 43: Endangered Wildlife Species (08.03.01.43)
- D. **SUMMARY OF PERMIT PROCESS:**
1. **Applicability:** The taking, exportation, transportation, or possession of any wildlife species designated as endangered by Federal law (Endangered Species Act of 1973, 87 Stat. 884) or by Maryland State law.
 2. **General Requirements:** A special permit is required for the taking, exportation, transportation, or possession of any such endangered species.
 3. **Submission Requirements:** Applications must be submitted in writing to the Director of the Wildlife Administration. The application must describe the purpose of the proposed activity in such detail that the Director can determine whether it is in the best interest of the species to issue the permit.
 4. **Procedure for Obtaining a Permit:** The Director of the Wildlife Administration will review each application to determine whether it is in the best interest of the species to issue the permit. The Director also determines limitations to be included in the permit and its expiration date.

5. Permittee Requirements: With respect to protected species of wild birds, every permittee must file an annual report on prescribed forms, indicating the disposition by species of the number, age, sex, and sources of any protected birds.

Any violation of any provision or restriction of a permit constitutes a violation of the regulation and may result, at the discretion of the Director, in revocation of the permit and confiscation of those species held pursuant to the permit.

6. Fees: None

7. Appeals: No appeals process is available to the applicant. The decision of the Wildlife Administration is final.

E. ADMINISTERING AGENCY: Wildlife Administration
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401
(301) 269-2752

CHAPTER 6.2

ARCHAEOLOGICAL AND HISTORICAL

INTRODUCTION: The Maryland Historical Trust was established to preserve and maintain historical, aesthetic, and cultural properties, buildings, and fixtures pertaining to Maryland's history, and to promote interest and study in these areas. The Trust is an agency of the Department of Economic and Community Development and is governed by an independent Board of Trustees. The Trust maintains and expands the Maryland Inventory, which is a comprehensive listing of historic and archaeological properties in the State, conducts restoration grant and loan programs, and encourages the donation to the State of less than fee simple interests in historic property.

The Maryland Historical Trust is the designated contact point for historic properties in the regulations of other State agencies, such as the Bureau of Mines. The Board of Public Work's policy on the preservation of historic properties on State-owned land designates the Trust as the preservation liaison with other Departments. Permits for the disturbance of archaeological resources on State-owned lands are issued by the Division of Archaeology in the Department of Natural Resources.

The Governor has designated the Maryland Historical Trust as the State Historic Preservation Office for the implementation of the National Historic Preservation Act. Under Section 106 of the Federal act, the Trust reviews every Federal undertaking in Maryland for its impact on historic and archaeological properties. Review by the State Historic Preservation Office is mandatory under Federal law and regulation. The review of projects for impact on archaeological sites is carried out by the Maryland Historical Trust. If known or potential National Register sites may be affected by the undertaking, additional potential coordination and investigation will be requested. The Trust is responsible for review of all phases of archaeological work.

A. AUTHORIZING STATUTE: Article 41, Section 181f, Executive and Administrative Departments, Maryland Historical Trust, Annotated Code of Maryland

B. ADMINISTERING AGENCY: Maryland Historical Trust
John Shaw House
21 State Circle
Annapolis, MD 21401
(301) 269-2438

CHAPTER 6.3

WETLANDS

INTRODUCTION: The Department of Natural Resources, Water Resources Administration administers Maryland's Tidal Wetlands Act which calls for the preservation of wetlands areas through the control of both direct and indirect impacts to these areas. Both State and Federal permits are required before any alterations can occur, including a State wetlands license and a private wetlands permit to conduct dredge and fill operations.

A. NAMES OF PERMITS:

1. State Wetlands License
2. Private Wetlands Permit

B. AUTHORIZING STATUTE: Maryland Natural Resources Article, Sections 9-101 to 9-501, Annotated Code of Maryland

C. TITLE OF REGULATION: Title 08: Department of Natural Resources, Subtitle 05: Water Resources Administration, Chapter 07: Wetlands Regulations (08.05.07)

D. SUMMARY OF PERMIT AND LICENSE PROCESS:

1. Applicability: The construction of projects within State-owned tidal water wetlands, and private wetlands above the mean high water mark which support vegetation.

2. General Requirements: A license for use of State-owned tidal water wetlands is required. A permit for private wetlands is also required. Some minor projects are specifically exempted by regulation. For dredge-and-fill operations, a license is also required from the Department of Public Works.

3. Submission Requirements: A single form as prescribed by the Secretary of the Department of Natural Resources, serves as either a notice of intent (NOI) or an application for a permit. The NOI serves as notification of activities not requiring a permit.

4. Procedure for Obtaining a License or Permit: Within 30 days of receipt of the NOI or application, the Secretary of Department of Natural Resources will notify the applicant as to whether he may proceed with his activities. A joint public hearing may be held if both a State wetlands license from Board of Public Works and permit from Secretary of the Department of Natural Resources is necessary.

5. Fees: None

6. Appeals: Appeal of wetlands regulations may be made to the Board of Review.

E. ADMINISTERING AGENCY: Water Resources Administration
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401
(301) 269-3846

CHAPTER 6.4

COASTAL ZONE MANAGEMENT

INTRODUCTION: The Maryland Coastal Program is structured on existing State statutes, regulations, and common law to achieve direct control of coastal zone management as set forth in the Federal Coastal Zone Management Act of 1972. The State regulations establish application procedures for the construction of major facilities in the coastal area and provide for the comprehensive review and evaluation of these applications and activities.

- A. **NAME OF APPROVAL:** Coastal Zone Project Approval
- B. **AUTHORIZING STATUTE:** Natural Resources Article, Coastal Facilities Review Act, Sections 6-501 through 6-511, Annotated Code of Maryland
- C. **TITLE OF REGULATION:** Title 08: Department of Natural Resources, Subtitle 13: Energy and Coastal Zone Administration, Chapter 03: Coastal Facilities Review (08.13.03)
- D. **SUMMARY OF PROJECT REVIEW PROCESS:**
1. **Applicability:** The construction of the following facilities in a coastal area: a pipeline designated to carry crude oil or natural gas ashore from offshore sources; an intermediate production terminal or refinery designed to process at least 10,000 barrels of crude oil equivalent per day; any oil storage facility designed to handle crude oil with a total design capacity of at least 100,000 barrels which occupies at least 50 acres, or with an average throughput of at least 10,000 barrels per day; any operations base including port and harbor facilities which occupies at least 25 acres; the assembly area for supplies or a fabrication yard; and any natural gas facility designed for at least 1 billion cubic feet of gas for storage or 200 million cubic feet for processing.
 2. **General Requirements:** A comprehensive review and evaluation of proposed facilities within the coastal zone is required prior to project approval.

3. Submission Requirements: Applications for project review must include project descriptions, a description of the purpose of the project, general engineering descriptions, maps, a description of potential sources of impact, a description of the need for the facility, and a description of all other Federal or State licenses, permits, and approvals required for the project. A completed Board of Public Works Master Application Form is required if the application is filed in accordance with consolidated permit procedures of Article 78A, Annotated Code of Maryland. Copies of completed application forms for any other applicable State permits must be attached to the application.

4. Procedure for Agency Review: After State agency review of completed applications, the Secretary of the Department of Natural Resources will select appropriate parties to prepare an economic, fiscal, and environmental impact statement to be coordinated by the Coastal Zone Management Program. A public hearing will be held 60 days after the completion of the statement, 90 days after which the permit will be granted, conditionally granted, or denied.

5. Fees: \$500. Processing costs are computed at \$15 per hour and excess costs (over \$500) will be billed to applicant each month, but will not exceed \$5,000 per application. In addition, \$15 per hour goes to the Department for statement preparation.

6. Appeals: Request for judicial review may be made by an aggrieved party within 30 days of the rendered decision.

E. ADMINISTERING AGENCY: Coastal Resources Division
Tidewater Administration
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401
(301) 269-2784

SECTION 7.0
LOCAL REGULATORY POLICY

CHAPTER 7.1

LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS

INTRODUCTION: The State of Maryland delegates to local jurisdictions basic planning, zoning, subdivision, and related powers through 3 major enabling articles in the Annotated Code of Maryland.

A. AUTHORIZING STATUTE: Article 25A: Charter Counties of Maryland; Article 66B: Zoning and Planning; and Article 66D, The Maryland-National Capital Park and Planning Commission, Annotated Code of Maryland

B. TITLE AND SUMMARY OF ENABLING LEGISLATION:

1. Article 25A, provides the broad, "home rule" authority for the 8 charter counties to exercise direct local control of their government affairs, including planning and zoning.

In addition, it delegates basic planning, zoning, subdivision, and related powers to all non-charter counties, Baltimore City (zoning only), and all other incorporated municipalities lying outside Montgomery and Prince George's counties. The Article also delegates these powers to the following incorporated municipalities lying within these 2 counties: Gaithersburg, Rockville, Poolesville, Barnesville, Brookville, Laytonville, Washington Cove, and Laurel.

2. Article 66B delegates historic zoning powers to all Maryland's jurisdictions. It is applicable to Baltimore City and all counties not under article 66d and 25a; all incorporated municipalities lying outside Montgomery and Prince George's counties; and all of the following incorporated municipalities within Montgomery and Prince George's counties: Gaithersburg, Rockville, Poolesville, Barnesville, Brookeville, Laytonville, Washington Grove, and Laurel. Article 66B governs zoning authority in LaVale, an unincorporated area of Allegany County, with heavy growth pressures. Jurisdictions governed by Article 66B do not have "home rule". Any expansions or retractions in their respective powers to plan and zone, other than those specifically granted in this Article, must be granted by the General Assembly.

3. Article 66D establishes the Maryland-National Capital Park and Planning Commission which conducts planning activities in Montgomery and Prince George's counties. These 2 counties exercise complete planning, zoning, and subdivision plat approval authority in all other incorporated municipalities lying within their boundaries with the exception of those counties and municipalities listed in Article 66B. Overall planning authority is vested in the District Commission which is made up of the 2 individual county planning boards functioning as 1 body.

C. ADMINISTERING AGENCY: Maryland Department of State Planning
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