


<b>FROM</b>	<b>NAME &amp; TITLE</b>	Paul O'Malley, Esq., Deputy Director	CITY of <b>BALTIMORE</b>  <i>MEMO</i>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Environmental Control Board 1 North Charles Street, 13th Floor, Baltimore, Maryland 21201		
	<b>SUBJECT</b>	City Council Bill # 23-0367 Prohibition – Gas-Powered Debris Removal Equipment		

April 5, 2023

**TO:** The Honorable President and Members  
Of the Baltimore City Council

Dear Mr. President and Members:

The Baltimore City Environmental Control Board (ECB) has been requested to review City Council Bill # 23-0367, Prohibition – Gas-Powered Debris Removal Equipment. The purpose of the bill is to prohibit the use of gas-powered debris removal equipment in Baltimore City; defining certain terms; establishing procedures for reporting the use of gas-powered debris removal equipment; establishing certain penalties; and providing for a special effective date.

The ECB is an independent administrative hearing board that adjudicates contested environmental citations. Environmental citations are issued by various City agencies for violations listed under Article 1, § 40-14.

Under § 8-301 of the Health Code of Baltimore City, ECB currently hears appeals of citations issued by the Health Department. ECB can only hear appeals of the Health Code violations listed in § 40-14(e)(7). That section grants ECB the jurisdiction and authority of the provisions specified therein with penalties enumerated. Under the proposed new § 8-401 of Council Bill # 23-0367, it is presumed that ECB will also offer an appeal process for persons issued citations for violating the proposed law. However, the current bill does not include any proposed amendment of § 40-14 to give ECB the jurisdiction and authority to hear appeals of citations issued for violations of the proposed law. If the proposed bill intends to issue environmental citations for such violations, then the bill needs to include an amendment to Article 1, § 40-14 to grant ECB the jurisdiction and authority with the penalty enumerated for violation of the proposed law.

Notwithstanding the above recommendation, the ECB has no objection to the passage of this bill.

  
 Paul O'Malley, Esq.  
 Deputy Director  
 Environmental Control Board