

Appeal Process for Approving Authority Decisions

The following section outlines the appeal rights for certain decisions made by the Environmental Health programs of the Caroline County Health Department (CCHD). These decisions may be in regards to the grant, denial, renewal, suspension or amendment of a license, certificate, certification, permit or registration that is required by statute (Application). The authority to make these decisions is based in Code of Maryland Regulations (COMAR), Memorandum of Understanding (MOU), and/or through Delegation Agreement(s) with other state agencies (MDx).

Right to Appeal

A written notice will be issued to the applicant seeking an approval or decision from the CCHD. Applicants have the right to appeal the decisions of the CCHD. The notice will include appeal rights and required timeframes to file an appeal.

Requesting an Appeal

- 1) Contact CCHD at 410 479 0845 to clarify the reason your Application was not approved. In some cases, basic modifications to your application, further investigation, testing, or other actions on the applicant's part may resolve the problem.
- 2) If there is not a simple resolution, the applicant may request an informal conference with our staff to have a more in-depth discussion. Our office will also forward information to the Maryland Department of Health (MDH) or Maryland Department of Environment (MDE) regional representative for review and comment. We recommend that you have your consultant or contractor accompany you since the potential solutions are often technical in nature.
- 3) An applicant may appeal the outcome of an informal conference; they may request a formal conference. This will be attended by the CCHD Health Officer and a representative of MDH or MDE. All stake holders will review and comment and the matter at hand. MDH or MDE will formally comment and CCHD will make its final determination.
- 4) If a formal conference does not resolve the issue leading to a denial and you are issued a final denial by the CCHD or MDH or MDE, you have the right to request a formal appeal with the MDH or MDE (see below).

Notice of Right to Appeal

When the CCHD issues a final decision as referenced above, a written notice letter will be issued to the applicant seeking CCHD Approval. The notice will include appeal rights and required timeframes to file an appeal. Parties may contact MDH or MDE directly to file for an appeal, see below.

Loss of Appeal Rights

If a request for a contested case hearing is not made within thirty (30) calendar days (**), the final decision of CCHD or MDH or MDE is no longer appealable and the decision is considered final. The applicant must comply with any terms and conditions of the final decision.

Decisions That Can Be Appealed to Maryland Department of Environment (MDE)

This appeal right applies to the following final decisions:

- Beach Program (COMAR 26.08.09)
- Sewage disposal (COMAR 26.04.02)
- Water supply and sewage systems in subdivisions (COMAR 26.04.03)
- Well construction (COMAR 26.04.04)
- Water supply, sewage disposal and solid waste (COMAR 26.04.05).

All requests for contested case hearings shall be filed with MDE, (*) 1800 Washington Blvd, Baltimore, MD 21230 within thirty (30) calendar days after notification of the final decision by CCHD or MDE. This written request for a contested case hearing must include a hearing request and attach a copy of the CCHD or MDE notice letter that is being appealed. The request should also include a brief statement of the factual and legal basis for the appeal.

Decisions That Can Be Appealed to Maryland Department of Health (MDH)

This appeal right applies to the following final decisions:

- Camp Program (COMAR 10.16.03)
- Communicable Disease (COMAR 10.16.01)
- Mobile Home Park (COMAR 10.16.02)
- Food Facilities (COMAR 10.15.03) **
- Food Processing (COMAR 10.15.04)

All requests for contested case hearings shall be filed with MDH, (*) 201 W. Preston Street, Baltimore, MD 21201 within thirty (30) calendar days after notification of the final decision by CCHD or MDH. This written request for a contested case hearing must include a hearing request and attach a copy of the CCHD or MDH notice letter that is being appealed. The request should also include a brief statement of the factual and legal basis for the appeal.

* CCHD shall supply a specific program contact person, division, or name for your appeal upon request. Parties filing for an appeal are responsible to understand and follow MDH or MDE appeals procedures and processes.

** All requests for an appeal must be filed with CCHD within ten (10) calendar days after receipt of the denial, a notice of intent to suspend or revoke, or an order of abatement is issued by CCHD or MDH. If a request for an appeal is not made within ten (10) calendar days, the decision is no longer appealable and the decision will be considered final.