

HOUSE BILL 945

M3

4lr2116

By: **Cecil County Delegation**

Introduced and read first time: February 5, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Sewage Sludge – Permit Applications and Public Hearings – Notification**
3 **Requirements**

4 FOR the purpose of requiring the Department of the Environment to mail a copy of a
5 certain notice to the record owners of any property adjoining land for which the
6 Department has received a certain sewage sludge utilization permit application;
7 requiring a certain notice of a sewage sludge utilization permit application to
8 contain certain information; requiring the Department to require certain
9 sewage sludge utilization permit applicants to post public notice signs at
10 proposed sewage sludge utilization sites at least a certain number of days before
11 the occurrence of certain public meetings; establishing requirements for certain
12 public notice signs; requiring the Department to verify compliance with certain
13 public notice requirements; requiring the Department to publish notice of a
14 certain public hearing at least a certain number of days before the occurrence of
15 the public hearing; requiring the Department to mail a copy of a permit
16 application to apply sewage sludge on land other than marginal land to the
17 record owners of any property adjoining the land where the sewage sludge is to
18 be applied; requiring the Department to require certain sewage sludge
19 utilization permit applicants to post public notice signs at proposed sewage
20 sludge utilization sites when the application for the permit is submitted;
21 establishing certain requirements for certain public notice signs; correcting a
22 technical error; and generally relating to notification requirements for sewage
23 sludge utilization permit applications.

24 BY repealing and reenacting, with amendments,
25 Article – Environment
26 Section 9–234 and 9–234.1
27 Annotated Code of Maryland
28 (2007 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Environment**

4 9–234.

5 (a) When the Department receives an application for a permit to utilize
6 sewage sludge at a site, the Department immediately shall mail a copy of the permit
7 application:

8 (1) To the legislative body and any elected executive of a county and to
9 the elected executive of any municipal corporation where the sewage sludge utilization
10 site is to be located; and

11 (2) To the legislative body and any elected executive of any other
12 county within 1 mile of the sewage sludge utilization site.

13 (b) **(1)** For a permit to apply sewage sludge on marginal land or to
14 construct a permanent facility that is designed primarily to utilize sewage sludge, the
15 Department shall:

16 **[(1)] (I)** Publish notice of the application in a local newspaper having
17 a substantial circulation in the county where the sewage sludge is to be applied or the
18 facility is to be constructed; **AND**

19 **[(2)] (II)** Mail a copy of the notice to:

20 **[(i)] 1.** The local health official;

21 **[(ii)] 2.** The chairman of the legislative body and any elected
22 executive of the county where the sewage sludge is to be applied or the facility is to be
23 constructed;

24 **[(iii)] 3.** The elected executive of any municipal corporation
25 where the sewage sludge is to be applied or the facility is to be constructed; **[and]**

26 **[(iv)] 4.** Any other county within 1 mile of where the sewage
27 sludge is to be applied or the facility is to be constructed; **AND**

28 **5. THE RECORD OWNERS OF ANY PROPERTY**
29 **ADJOINING THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE**
30 **FACILITY IS TO BE CONSTRUCTED.**

31 **(2) A NOTICE PUBLISHED UNDER THIS SUBSECTION SHALL, AT A**
32 **MINIMUM:**

1 **(I) IDENTIFY THE LAND WHERE THE SEWAGE SLUDGE IS TO**
2 **BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED BY TAX AND PARCEL**
3 **NUMBER; AND**

4 **(II) IF APPLICABLE, PROVIDE THE STREET ADDRESS OF THE**
5 **LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE**
6 **CONSTRUCTED.**

7 (c) (1) Except as otherwise provided in § 9–234.1 of this subtitle, within
8 15 days after receiving a copy of the permit application, the executive or the legislative
9 body of the county, or the executive or the legislative body of the municipal
10 corporation, where the sewage sludge is to be applied or the facility is to be
11 constructed may request that the Department hold a public hearing.

12 (2) If the Department receives a request under paragraph (1) of this
13 subsection, the Department shall hold a public hearing in the affected subdivision in
14 accordance with the Administrative Procedure Act.

15 (3) If the executives or legislative bodies of more than 1 county or
16 municipal corporation request a hearing under this subsection, the Department may
17 hold a consolidated hearing in 1 county.

18 **(4) (I) THE DEPARTMENT SHALL REQUIRE THE PERMIT**
19 **APPLICANT TO POST A PUBLIC NOTICE SIGN AT THE PROPOSED SEWAGE SLUDGE**
20 **UTILIZATION SITE AT LEAST 14 DAYS BEFORE THE OCCURRENCE OF A PUBLIC**
21 **HEARING REQUESTED UNDER THIS SUBSECTION.**

22 **(II) THE PUBLIC NOTICE SIGN SHALL:**

23 1. **BE VISIBLE FROM THE NEAREST PUBLIC**
24 **ROADWAY;**

25 2. **BE DURABLE AND WEATHER RESISTANT;**

26 3. **BE ORANGE IN COLOR;**

27 4. **MEASURE AT LEAST 30 BY 36 INCHES; AND**

28 5. **CONTAIN, AT A MINIMUM:**

29 A. **A STATEMENT THAT THE DEPARTMENT HAS**
30 **RECEIVED A SEWAGE SLUDGE UTILIZATION PERMIT APPLICATION FOR THE**
31 **PROPERTY;**

1 **B. THE TIME AND PLACE SCHEDULED FOR THE**
2 **PUBLIC HEARING ON THE PERMIT APPLICATION;**

3 **C. THE TAX AND PARCEL NUMBERS AND, IF**
4 **APPLICABLE, THE STREET ADDRESS OF THE PROPOSED SEWAGE SLUDGE**
5 **UTILIZATION SITE; AND**

6 **D. CONTACT INFORMATION FOR THE DEPARTMENT.**

7 **(III) THE DEPARTMENT SHALL:**

8 1. **VERIFY THAT THE APPLICANT COMPLIES WITH**
9 **THIS PARAGRAPH; AND**

10 2. **PUBLISH NOTICE OF THE PUBLIC HEARING AT**
11 **LEAST 14 DAYS BEFORE THE OCCURRENCE OF THE PUBLIC HEARING THAT**
12 **SHALL, AT A MINIMUM:**

13 A. **IDENTIFY THE LAND WHERE THE SEWAGE SLUDGE**
14 **IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED BY TAX AND**
15 **PARCEL NUMBER; AND**

16 B. **IF APPLICABLE, PROVIDE THE STREET ADDRESS**
17 **OF THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY**
18 **IS TO BE CONSTRUCTED; AND**

19 3. **PUBLISH THE NOTICE IN A LOCAL NEWSPAPER**
20 **HAVING A SUBSTANTIAL CIRCULATION IN THE COUNTY WHERE THE SEWAGE**
21 **SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED.**

22 (d) For a permit to apply sewage sludge on land other than marginal land,
23 the Department shall [mail]:

24 **(1) PUBLISH NOTICE OF THE APPLICATION:**

25 **(I) THAT SHALL, AT A MINIMUM:**

26 1. **IDENTIFY THE LAND WHERE THE SEWAGE SLUDGE**
27 **IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED BY TAX AND**
28 **PARCEL NUMBER; AND**

1 **2. IF APPLICABLE, PROVIDE THE STREET ADDRESS**
2 **OF THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY**
3 **IS TO BE CONSTRUCTED; AND**

4 **(II) IN A LOCAL NEWSPAPER HAVING A SUBSTANTIAL**
5 **CIRCULATION IN THE COUNTY WHERE THE SEWAGE SLUDGE IS TO BE APPLIED**
6 **OR THE FACILITY IS TO BE CONSTRUCTED; AND**

7 **(2) MAIL** a copy of the permit application to:

8 **[(1)] (I)** The local health official;

9 **[(2)] (II)** The chairman of the legislative body and any elected
10 executive of the county where the sewage sludge is to be applied; **[and]**

11 **[(3)] (III)** The elected executive of any municipal corporation where
12 the sewage sludge is to be applied; **AND**

13 **(IV) THE RECORD OWNERS OF ANY PROPERTY ADJOINING**
14 **THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED.**

15 **(E) (1) THE DEPARTMENT SHALL REQUIRE THE PERMIT APPLICANT**
16 **TO POST A PUBLIC NOTICE SIGN AT THE PROPOSED SEWAGE SLUDGE**
17 **UTILIZATION SITE WHEN THE APPLICATION FOR THE PERMIT IS SUBMITTED.**

18 **(2) THE PUBLIC NOTICE SIGN SHALL:**

19 **(I) BE VISIBLE FROM THE NEAREST PUBLIC ROADWAY;**

20 **(II) BE DURABLE AND WEATHER RESISTANT;**

21 **(III) BE ORANGE IN COLOR;**

22 **(IV) MEASURE AT LEAST 30 BY 36 INCHES; AND**

23 **(V) CONTAIN, AT A MINIMUM:**

24 **1. A STATEMENT THAT THE DEPARTMENT HAS**
25 **RECEIVED A SEWAGE SLUDGE UTILIZATION PERMIT APPLICATION FOR THE**
26 **PROPERTY;**

27 **2. THE TAX AND PARCEL NUMBERS AND, IF**
28 **APPLICABLE, THE STREET ADDRESS OF THE PROPOSED SEWAGE SLUDGE**
29 **UTILIZATION SITE; AND**

1 **A. A STATEMENT THAT THE DEPARTMENT HAS**
2 **RECEIVED A SEWAGE SLUDGE UTILIZATION PERMIT APPLICATION FOR THE**
3 **PROPERTY;**

4 **B. THE TIME AND PLACE SCHEDULED FOR THE**
5 **PUBLIC HEARING ON THE PERMIT APPLICATION;**

6 **C. THE TAX AND PARCEL NUMBERS AND, IF**
7 **APPLICABLE, THE STREET ADDRESS OF THE PROPOSED SEWAGE SLUDGE**
8 **UTILIZATION SITE; AND**

9 **D. CONTACT INFORMATION FOR THE DEPARTMENT.**

10 **(III) THE DEPARTMENT SHALL VERIFY THAT THE**
11 **APPLICANT COMPLIES WITH THIS PARAGRAPH.**

12 **[(f)] (G)** The Department shall provide each county and municipal
13 corporation that receives a copy of any application under this section with an
14 opportunity to consult with the Department about the decision to issue, deny, or place
15 restrictions on a sewage sludge utilization permit.

16 9-234.1.

17 (a) This section does not apply to the storage or distribution of sewage sludge
18 at a sewage treatment plant.

19 (b) Before the Secretary issues, amends, or renews a permit to an applicant
20 or permit holder under § 9-232 or § 9-238 of this subtitle to install, materially alter,
21 or materially extend a structure used for storage or distribution of any type of sewage
22 sludge, the Department shall hold a public hearing on the application, amendment, or
23 renewal.

24 (c) The Department shall hold a public hearing in the affected subdivision in
25 accordance with the Administrative Procedure Act.

26 (d) If more than 1 county or municipal corporation will be affected by the
27 granting of the sludge storage permit application, the Department may hold a
28 consolidated hearing in any affected subdivision.

29 **(E) (1) THE DEPARTMENT SHALL REQUIRE THE PERMIT APPLICANT**
30 **TO POST A PUBLIC NOTICE SIGN AT THE PROPOSED SEWAGE SLUDGE**
31 **UTILIZATION SITE AT LEAST 14 DAYS BEFORE THE OCCURRENCE OF A PUBLIC**
32 **HEARING REQUIRED UNDER THIS SECTION.**

33 **(2) THE PUBLIC NOTICE SIGN SHALL:**

- 1 **(I) BE VISIBLE FROM THE NEAREST PUBLIC ROADWAY;**
- 2 **(II) BE DURABLE AND WEATHER RESISTANT;**
- 3 **(III) BE ORANGE IN COLOR;**
- 4 **(IV) MEASURE AT LEAST 30 BY 36 INCHES; AND**
- 5 **(V) CONTAIN, AT A MINIMUM:**
- 6 **1. A STATEMENT THAT THE DEPARTMENT HAS**
7 **RECEIVED A SEWAGE SLUDGE UTILIZATION PERMIT APPLICATION FOR THE**
8 **PROPERTY;**
- 9 **2. THE TIME AND PLACE SCHEDULED FOR THE**
10 **PUBLIC HEARING ON THE PERMIT APPLICATION;**
- 11 **3. THE TAX AND PARCEL NUMBERS AND, IF**
12 **APPLICABLE, THE STREET ADDRESS OF THE PROPOSED SEWAGE SLUDGE**
13 **UTILIZATION SITE; AND**
- 14 **4. CONTACT INFORMATION FOR THE DEPARTMENT.**
- 15 **(3) THE DEPARTMENT SHALL VERIFY THAT THE APPLICANT**
16 **COMPLIES WITH THIS SUBSECTION.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2014.