

**STATE OF MARYLAND  
MARYLAND DEPARTMENT OF THE ENVIRONMENT  
Ben Grumbles, Secretary**

**BILL NO:** Senate Bill 347

**COMMITTEE:** Education, Health, and Environmental Affairs

**POSITION:** Support

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**TITLE:** Environment - Public Hearing and Notification Modernization Act

**BILL ANALYSIS:**

Senate Bill 347 would revise several sections of the Environment Article that include the licensing, permitting, and regulatory promulgation public participation requirements the Maryland Department of the Environment (MDE or the Department) must satisfy. Licenses and permits whose public participation requirements would be revised under this bill include authorizations issued for controlling air emissions, water pollution discharges, drilling for oil and gas wells, non-coal surface mining, constructing and operating solid waste facilities, sewage sludge utilization, and activities that would disturb Maryland wetlands and waterways. Specifically, the bill would revise the existing public participation processes for certain approvals and regulatory actions as follows:

- Provide MDE the authority to hold a public meeting or hearing using teleconference or internet-based conferencing technology;
- Require a license or permit applicant to bear the cost incurred by MDE in holding a public meeting or hearing using conferencing technology;
- Not require the Department to hold in-person public meetings or hearings if an emergency declaration is issued by an executive authority of the federal or State government or the local government with jurisdiction over a county or municipality where an in-person meeting or hearing would otherwise be held.
- Authorize MDE to post the public notices regarding licensing and permitting actions and scheduled public meetings or hearings on the Department's website in lieu of, or in addition to, publishing the notice in a newspaper, unless the notice is for a Controlled Hazardous Substance Permit (in which the permitting notice is required under federal law to be published in a newspaper);
- Repeal the requirement for air quality regulations that MDE publish an annual notice in a newspaper to inform the public of the fact that notices of public hearings for an air quality rule or regulation are now on MDE's website; and
- For certain environmental authorizations that regulate activities impacting water resources or control air pollution sources, remove the statutory limitation on the methods to be used by MDE in providing public notices regarding the licensing or permitting of these regulated communities to interested persons, local government officials, or elected officials.

**POSITION AND RATIONALE:**

MDE supports Senate Bill 347. Changes in federal public notice rules for certain federally delegated environmental permits and health and safety concerns related to the COVID-19 pandemic necessitate a modernization of the Department's public participation requirements. The bill would generally save both the Department and license and permit applicants time and money while allowing for greater public participation in licensing, permitting, and regulations processes.

This bill will provide MDE and, if a permitting or licensing action, an applicant more flexibility in notifying the public about regulatory, permitting, and licensing actions by not limiting notification through a newspaper or mail. The cost of publishing notices in a newspaper can range from \$80 up to \$2,600 for larger publications. In instances where MDE chooses to provide a public notice only through a website posting, MDE or an applicant would no longer bear the cost of publishing the notice in a newspaper or distributing the notice in the mail. However, depending upon the license or permit, regulatory topic, and internet access of the impacted community, the Department may still decide the best method of providing notice is through publication in a newspaper or distribution through the mail.

Authorizing virtual or teleconference public meetings and hearings will provide increased opportunities for the public to engage in the licensing, permitting and regulatory processes. Participation in a meeting or hearing will not be limited to persons who can physically attend a meeting or hearing, and allow persons that prefer not to attend in-person due to public health or safety concerns the ability to participate still. In addition, the ability of a person under the bill to request an in-person hearing or meeting will ensure persons living in remote areas where internet access is not reliable can participate. While the bill requires permit and license applicants to cover the cost of the Department's facilitation of a virtual or teleconference public meeting and hearing, it will also save the applicant money by eliminating the need to book a meeting venue and travel to the meeting or hearing.

Thank you for your consideration. We will continue to monitor Senate Bill 347 during the Committee's deliberations, and we are available to answer any questions you may have.

**FOR MORE INFORMATION,**  
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