

HOUSE BILL 40

Unofficial Copy  
M3

2002 Regular Session  
2lr0878

(PRE-FILED)

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By: **Delegate Frush**

Requested: November 14, 2001

Introduced and read first time: January 9, 2002

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Permits - Notice to Members of the General Assembly**

3 FOR the purpose of requiring the Department of the Environment to provide certain  
4 notice to certain members of the General Assembly concerning certain  
5 applications for certain permits; and generally relating to requirements for  
6 notice by the Department of the Environment.

7 BY adding to  
8 Article - Environment  
9 Section 1-203  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article - Environment  
14 Section 5-204(a)  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Environment  
19 Section 1-602, 5-204(b), and 9-234  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 2001 Supplement)

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

1 **Article - Environment**

2 1-203.

3 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WHENEVER  
4 THIS ARTICLE REQUIRES THE DEPARTMENT TO PUBLISH PUBLIC NOTICE OF A  
5 PERMIT APPLICATION IN A NEWSPAPER OF GENERAL CIRCULATION, THE  
6 DEPARTMENT ALSO SHALL SEND NOTICE BY CERTIFIED MAIL TO EACH MEMBER OF  
7 THE GENERAL ASSEMBLY IN WHOSE DISTRICT THE PROPOSED ACTIVITY WOULD  
8 OCCUR.

9 1-602.

10 (a) Wherever this subtitle requires the Department to publish notice:

11 (1) Notice shall be:

12 (I) published at least once a week for 2 consecutive weeks in a daily  
13 or weekly newspaper of general circulation in the geographical area in which the  
14 proposed facility is located; AND

15 (II) SENT BY CERTIFIED MAIL TO EACH MEMBER OF THE GENERAL  
16 ASSEMBLY IN WHOSE DISTRICT THE PROPOSED FACILITY OR ACTIVITY IS LOCATED;

17 (2) The Department may require notice of an informational meeting or a  
18 public hearing by mail to each person requesting the meeting or hearing or to their  
19 authorized representatives;

20 (3) The Department may provide additional notice by requiring the  
21 notice to be posted at the proposed facility or at public facilities in the geographical  
22 area of the proposed facility; and

23 (4) The applicant shall bear all costs incurred by the Department in  
24 providing notice.

25 (b) The Department may publish the notice or require the applicant to publish  
26 the notice.

27 5-204.

28 (a) (1) It is the intent of the General Assembly to establish consolidated  
29 procedures and notice and hearing requirements for Title 5, Subtitles 5 and 9 and  
30 Titles 14, 15, and 16 of this article in order to ensure efficient review and consistent  
31 decision making.

32 (2) Notwithstanding any provision of the State Government Article,  
33 public notice on pending applications provided in accordance with the provisions of  
34 this section shall be the only notice required by law.

1 (b) (1) Applicants shall ascertain the names and addresses of all current  
2 owners of property contiguous to the parcel upon which the proposed activity will  
3 occur and personally or by certified mail serve notice upon each owner.

4 (2) Applicants shall serve personally or by certified mail appropriate  
5 local officials.

6 (3) Applicants shall provide the Department with certification that  
7 notice has been served on all contiguous property owners and appropriate local  
8 officials.

9 (4) Upon substantial completion of an application the Department shall  
10 draft a public notice that includes:

11 (i) The name and address of the applicant;

12 (ii) A description of the location and nature of the activity for which  
13 application has been made;

14 (iii) The name, address, and telephone number of the office within  
15 the Department from which information about the application may be obtained;

16 (iv) A statement that any further notices about actions on the  
17 application will be provided only by mail to those persons on a mailing list of  
18 interested persons;

19 (v) A description of how persons may submit information or  
20 comments about the application, request a public informational hearing, or request to  
21 be included on the mailing list of interested persons; and

22 (vi) A deadline for the close of the public comment period by which  
23 information, comments, or requests must be received by the Department.

24 (5) The Department shall prepare a public notice to be published for at  
25 least 1 business day in a newspaper of general circulation in the area where the  
26 proposed activity would occur. At its discretion, the Department shall:

27 (i) Publish the public notice; or

28 (ii) Direct the applicant to publish the public notice.

29 (6) The applicant shall bear the cost of the newspaper notice.

30 (7) The Department shall mail public notices to a general subscription  
31 mailing list.

32 (8) THE DEPARTMENT SHALL SEND NOTICE BY CERTIFIED MAIL TO  
33 EACH MEMBER OF THE GENERAL ASSEMBLY IN WHOSE DISTRICT THE PROPOSED  
34 ACTIVITY WOULD OCCUR.

1 (9) Comments on an application or requests for a public informational  
2 hearing must be forwarded in writing to the Department prior to the close of the  
3 public comment period specified in the public notice.

4 [(9)] (10) The Department shall compile an interested persons list  
5 containing the names of all contiguous property owners, appropriate local officials,  
6 and individuals that comment on, request hearings, or make inquiries about an  
7 application during any phase of the Department's review.

8 [(10)] (11) No further notice will be provided except to persons on the  
9 interested persons list.

10 9-234.

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

14 (1) To the county and to any municipal corporation where the sewage  
15 sludge utilization site is to be located; and

16 (2) To any other county within 1 mile of the sewage sludge utilization  
17 site.

18 (b) For a permit to apply sewage sludge on marginal land or to construct a  
19 permanent facility that is designed primarily to utilize sewage sludge, the  
20 Department shall:

21 (1) Publish notice of the application in a local newspaper having a  
22 substantial circulation in the county where the sewage sludge is to be applied or the  
23 facility is to be constructed;

24 (2) Mail a copy of the notice to:

25 (i) The local health official;

26 (ii) The chairman of the legislative body and any elected executive  
27 of the county where the sewage sludge is to be applied or the facility is to be  
28 constructed;

29 (iii) The elected executive of any municipal corporation where the  
30 sewage sludge is to be applied or the facility is to be constructed; [and]

31 (iv) Any other county within 1 mile of where the sewage sludge is to  
32 be applied or the facility is to be constructed; AND

33 (V) EACH MEMBER OF THE GENERAL ASSEMBLY IN WHOSE  
34 DISTRICT THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE  
35 CONSTRUCTED.

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

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

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

12 (d) For a permit to apply sewage sludge on land other than marginal land, the  
13 Department shall mail a copy of the permit application to:

14 (1) The local health official;

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

17 (3) The elected executive of any municipal corporation where the sewage  
18 sludge is to be applied; AND

19 (4) EACH MEMBER OF THE GENERAL ASSEMBLY IN WHOSE DISTRICT  
20 THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED.

21 (e) (1) Within 10 days after receiving a copy of the permit application, the  
22 executive or the legislative body of the county, or the executive or the legislative body  
23 of the municipal corporation, where the sewage sludge is to be applied may request  
24 that the Department conduct a public information meeting.

25 (2) If the Department receives a request under paragraph (1) of this  
26 subsection, the Department:

27 (i) Shall conduct a public information meeting in the affected  
28 subdivision;

29 (ii) May consolidate the public information meeting with 1 or more  
30 public information meetings for other applications in the same county; and

31 (iii) Shall notify the applicant for a permit and give the applicant  
32 the opportunity to present information at the public information meeting.

33 (3) If the executives or legislative bodies of more than 1 county or  
34 municipal corporation request a public information meeting under this subsection,  
35 the Department may hold a consolidated public information meeting in 1 county.

1 (f) The Department shall provide each county and municipal corporation that  
2 receives a copy of any application under this section with an opportunity to consult  
3 with the Department about the decision to issue, deny, or place restrictions on a  
4 sewage sludge utilization permit.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2002.