
By: **Delegate Dembrow**
Introduced and read first time: February 8, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Permit Applications - Notice to Local Agencies and**
3 **Submission of Comments**

4 FOR the purpose of requiring certain permit applicants to provide certain proof to the
5 Department of the Environment of a certain notice to certain local agencies;
6 prohibiting the Department from issuing certain tentative or final
7 determinations until the earlier of certain events; requiring the Department to
8 send certain determinations to certain local agencies; and generally relating to
9 the Department of the Environment and certain notice to certain local agencies
10 and the submission of certain comments in the permitting process.

11 BY repealing and reenacting, with amendments,
12 Article - Environment
13 Section 1-601
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2001 Supplement)

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

18 **Article - Environment**

19 1-601.

20 (a) Permits issued by the Department under the following sections shall be
21 issued in accordance with this subtitle:

22 (1) Air quality control permits to construct subject to § 2-404 of this
23 article;

24 (2) Permits to install, materially alter or materially extend landfill
25 systems, incinerators for public use or rubble landfills subject to § 9-209 of this
26 article;

27 (3) Permits to discharge pollutants to waters of the State issued
28 pursuant to § 9-323 of this article;

1 (4) Permits to install, materially alter or materially extend a structure
2 used for storage or distribution of any type of sewage sludge issued, renewed, or
3 amended pursuant to § 9-234.1 or § 9-238 of this article;

4 (5) Permits to own, operate, establish or maintain a controlled
5 hazardous substance facility issued pursuant to § 7-232 of this article;

6 (6) Permits to own, operate, or maintain a hazardous material facility
7 issued pursuant to § 7-103 of this article; and

8 (7) Permits to own, operate, establish or maintain a low-level nuclear
9 waste facility issued pursuant to § 7-233 of this article.

10 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
11 WHENEVER THE PROVISIONS OF THIS ARTICLE REQUIRE THE DEPARTMENT TO
12 REVIEW A PERMIT APPLICATION:

13 (1) THE APPLICANT SHALL PROVIDE PROOF TO THE DEPARTMENT THAT
14 THE APPLICANT HAS PROVIDED, AS APPROPRIATE, A COPY OF THE PERMIT
15 APPLICATION TO THE LOCAL AGENCY CHARGED WITH OVERSIGHT OF LAND USE AND
16 DEVELOPMENT PROJECTS OR ENVIRONMENTAL PLANNING;

17 (2) EXCEPT FOR GOOD CAUSE SHOWN, THE DEPARTMENT MAY NOT
18 ISSUE A TENTATIVE DETERMINATION REGARDING THE PERMIT APPLICATION UNTIL
19 THE EARLIER OF:

20 (I) 30 DAYS AFTER THE DATE OF THE DEPARTMENT'S RECEIPT OF
21 THE APPLICATION; OR

22 (II) THE LOCAL AGENCY'S SUBMISSION OF COMMENTS TO THE
23 DEPARTMENT REGARDING THE PERMIT APPLICATION;

24 (3) THE DEPARTMENT SHALL NOTIFY THE LOCAL AGENCY OF ITS
25 TENTATIVE DETERMINATION; AND

26 (4) WHEN APPLICABLE, THE DEPARTMENT:

27 (I) EXCEPT FOR GOOD CAUSE SHOWN, MAY NOT ISSUE A FINAL
28 DETERMINATION REGARDING THE PERMIT APPLICATION UNTIL THE EARLIER OF:

29 1. 30 DAYS AFTER THE DATE OF THE DEPARTMENT'S
30 ISSUANCE OF THE TENTATIVE DETERMINATION; OR

31 2. THE LOCAL AGENCY'S SUBMISSION OF COMMENTS TO
32 THE DEPARTMENT REGARDING THE TENTATIVE DETERMINATION; AND

33 (II) SHALL NOTIFY THE LOCAL AGENCY OF ITS FINAL
34 DETERMINATION.

35 (C) Notwithstanding any other provision of law to the contrary, the
36 Department is not required to provide an opportunity for a contested case hearing to

1 any party other than the applicant in connection with any permit issued pursuant to
2 this article except the permits listed in subsection (a) of this section.

3 [(c)] (D) (1) When this article requires more than one public informational
4 meeting, public hearing, or contested case hearing, the Department may consolidate
5 some or all of the meetings or hearings for the proposed facility with similar meetings
6 or hearings.

7 (2) The Department shall hold public informational meetings and public
8 hearings at a location in the political subdivision and in close proximity to the location
9 where the individual permit applies.

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