

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 40 (Delegate Frush)
Environmental Matters

Environment - Permits - Notice to Members of the General Assembly

This bill requires the Maryland Department of the Environment (MDE) to send notice of a permit application by certified mail to each member of the General Assembly in whose district the proposed activity would occur, whenever MDE is required to publish public notice of the permit application in a newspaper of general circulation.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: MDE is required to publish notice of applications for the following permits: (1) air quality control permits to construct; (2) permits to install, materially alter or materially extend landfill systems, incinerators for public use, or specified rubble landfills; (3) permits to discharge pollutants to waters of the State; (4) permits to install, materially alter or materially extend a structure used for storage or distribution of any type of sewage sludge issued, renewed, or amended pursuant to specified provisions of law; (5) permits to own, operate, establish, or maintain a controlled hazardous substance facility; (6) permits to own, operate, or maintain a hazardous material facility; and (7) permits to own, operate, establish, or maintain a low-level nuclear waste facility. For those permit applications, notice must be published at least once a week for two consecutive weeks in a daily or weekly newspaper of general circulation in the

geographical area in which the proposed facility is located. MDE may provide additional notice by requiring the notice to be posted at the proposed facility or at public facilities in the geographical area of the proposed facility. The applicant must bear all costs incurred by MDE in providing notice. MDE may publish the notice or require the applicant to publish it.

For applications for water appropriation permits, MDE must prepare a public notice to be published for at least one business day in a newspaper of general circulation in the area where the proposed activity would occur. At its discretion, MDE must publish the public notice or direct the applicant to publish it. The applicant must bear the cost of the newspaper notice. MDE must mail public notices to a general subscription mailing list.

For applications for sewage sludge utilization permits, MDE must mail a copy of the permit application to the county and to any municipal corporation where the sewage sludge utilization site is to be located and to any other county within one mile of the site. For a permit to apply sewage sludge on marginal land or to construct a permanent facility designed to utilize sewage sludge, MDE must publish notice of the application in a local newspaper having a substantial circulation in the county where the sewage sludge is to be applied or the facility is to be constructed. MDE must mail a copy of the notice to the local health official, the chairman of the legislative body, and any elected executive of the county where the sewage sludge is to be applied or the facility is to be constructed, the elected executive of any municipal corporation where the sewage sludge is to be applied or the facility is to be constructed, and any other county within one mile. For a permit to apply sewage sludge on land other than marginal land, MDE must mail a copy of the permit application to the local health official, the chairman of the legislative body and any elected executive of the county where the sewage sludge is to be applied, and the elected executive of any municipal corporation where the sewage sludge is to be applied.

Background: Although the statute requires that in some cases the applicant must bear the cost of providing public notice, MDE advises that it absorbs all costs associated with providing public notice of permit applications.

State Fiscal Effect: MDE advises that in some cases, members of the General Assembly are already notified of permit applications. According to MDE, the number of permits issued by MDE that would require additional notice as a result of this bill will vary from year to year but is not anticipated to be significant. MDE estimates that as a result of this bill, it would either need to begin sending notices or to change the method by which notices are sent for approximately 905 permits annually. In any event, the bill's requirements could be handled with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Legislative Services

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