

HOUSE BILL 1058

M3

9lr2907

By: **Delegates Walkup, Eckardt, Haddaway, and Sossi**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Sewage Sludge Utilization Permits – Local Notice**

3 FOR the purpose of requiring the Department of the Environment to provide notice of
4 a certain application to the legislative body and elected executive of a certain
5 county; requiring the Department to provide notice of a certain application to
6 the elected executive of a certain municipal corporation; and generally relating
7 to sewage sludge utilization permits.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 9–234
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2008 Supplement)

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

15 **Article – Environment**

16 9–234.

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

20 (1) To the **LEGISLATIVE BODY AND ANY ELECTED EXECUTIVE OF A**
21 county and to **THE ELECTED EXECUTIVE OF** any municipal corporation where the
22 sewage sludge utilization site is to be located; and

23 (2) To **THE LEGISLATIVE BODY AND ANY ELECTED EXECUTIVE OF**
24 any other county within 1 mile of the sewage sludge utilization site.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 (i) The local health official;

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

12 (iii) The elected executive of any municipal corporation where
13 the sewage sludge is to be applied or the facility is to be constructed; and

14 (iv) Any other county within 1 mile of where the sewage sludge
15 is to be applied or the facility is to be constructed.

16 (c) (1) Except as otherwise provided in § 9–234.1 of this subtitle, within
17 15 days after receiving a copy of the permit application, the executive or the legislative
18 body of the county, or the executive or the legislative body of the municipal
19 corporation, where the sewage sludge is to be applied or the facility is to be
20 constructed may request that the Department hold a public hearing.

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

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

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

29 (1) The local health official;

30 (2) The chairman of the legislative body and any elected executive of
31 the county where the sewage sludge is to be applied; and

32 (3) The elected executive of any municipal corporation where the
33 sewage sludge is to be applied.

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

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

7 (i) Shall conduct a public information meeting in the affected
8 subdivision;

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2009.