

HOUSE BILL 1058

M3

9lr2907

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

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2009

CHAPTER _____

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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

13 (i) The local health official;

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

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

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

21 (c) (1) Except as otherwise provided in § 9-234.1 of this subtitle, within
22 15 days after receiving a copy of the permit application, the executive or the legislative
23 body of the county, or the executive or the legislative body of the municipal
24 corporation, where the sewage sludge is to be applied or the facility is to be
25 constructed may request that the Department hold a public hearing.

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

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

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

34 (1) The local health official;

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

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

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

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

11 (i) Shall conduct a public information meeting in the affected
12 subdivision;

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.