

# HOUSE BILL 1078

M3

9lr2952  
CF SB 47

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By: **Delegate Niemann**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Permit Applications – Notice Requirements**

3 FOR the purpose of requiring notification by mail to certain record residential  
4 property owners of certain permit applications under certain circumstances;  
5 excluding certain permit applications from the notification requirements;  
6 requiring the notice to contain certain information; requiring permit applicants  
7 to pay the cost of the notice; authorizing the Department of the Environment to  
8 require the permit applicant to publish and send the notice; and generally  
9 relating to notice requirements for permit applications.

10 BY repealing and reenacting, with amendments,  
11 Article – Environment  
12 Section 1–602  
13 Annotated Code of Maryland  
14 (2007 Replacement Volume and 2008 Supplement)

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

17 **Article – Environment**

18 1–602.

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

20 (1) Notice shall be published at least once a week for 2 consecutive  
21 weeks in a daily or weekly newspaper of general circulation in the geographical area  
22 in which the proposed facility is located;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

9           **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN**  
10 **ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTION (A) OF THIS**  
11 **SECTION AND NOTWITHSTANDING ANY OTHER REQUIREMENTS IN THIS ARTICLE,**  
12 **WHEREVER THIS SUBTITLE REQUIRES THE DEPARTMENT TO PUBLISH NOTICE**  
13 **OF AN APPLICATION FOR A PERMIT, NOTICE SHALL BE SENT BY MAIL TO THE**  
14 **ADDRESSES OF RECORD RESIDENTIAL PROPERTY OWNERS WITHIN A 1-MILE**  
15 **RADIUS OF THE ACTIVITY FOR WHICH THE PERMIT IS SOUGHT.**

16           **(2) THIS SUBSECTION DOES NOT APPLY IF:**

17                   **(I) THE PERMIT APPLICANT IS A LOCAL GOVERNMENT;**

18                   **(II) THE PERMIT APPLICATION IS FOR THE RENEWAL OF AN**  
19 **EXISTING FACILITY; OR**

20                   **(III) THE LOCAL GOVERNMENT HAS PROVIDED PUBLIC**  
21 **NOTICE AND HELD AT LEAST ONE PUBLIC HEARING ON THE PERMIT**  
22 **APPLICATION IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S PUBLIC**  
23 **NOTICE AND HEARING REQUIREMENTS.**

24           **(3) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**  
25 **SUBSECTION SHALL INCLUDE:**

26                   **(I) THE NAME AND ADDRESS OF THE APPLICANT;**

27                   **(II) A DESCRIPTION OF THE LOCATION AND THE NATURE OF**  
28 **THE ACTIVITY FOR WHICH THE PERMIT HAS BEEN SOUGHT;**

29                   **(III) A REFERENCE TO THE APPLICABLE STATUTES OR**  
30 **REGULATIONS GOVERNING THE APPLICATION PROCESS;**

31                   **(IV) THE TIME AND PLACE OF ANY SCHEDULED**  
32 **INFORMATIONAL MEETING OR PUBLIC HEARING, OR A DESCRIPTION OF WHERE**  
33 **THIS INFORMATION CAN BE FOUND;**

1                   **(V) A DESCRIPTION OF WHERE FURTHER INFORMATION**  
2 **ABOUT THE PERMIT APPLICATION CAN BE FOUND; AND**

3                   **(VI) ANY OTHER INFORMATION THAT THE DEPARTMENT**  
4 **DETERMINES IS NECESSARY.**

5                   **(4) THE APPLICANT SHALL BEAR ALL COSTS INCURRED BY THE**  
6 **DEPARTMENT IN PROVIDING THE NOTICE REQUIRED UNDER SUBSECTION (B)**  
7 **OF THIS SECTION.**

8           **[b] (C) The Department may REQUIRE THE APPLICANT TO publish AND**  
9 **SEND the [notice or require the applicant to publish the notice] NOTICES REQUIRED**  
10 **IN SUBSECTIONS (A) AND (B) OF THIS SECTION.**

11           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
12 **October 1, 2009.**