

# HOUSE BILL 1078

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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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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2009

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## CHAPTER \_\_\_\_\_

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~~ the Department of the Environment to electronically post on  
5 the Department's website certain notice of certain permit applications under  
6 certain circumstances and provide a method for certain persons to electronically  
7 request certain information; ~~excluding certain permit applications from the~~  
8 ~~notification requirements~~; requiring the notice to contain certain information;  
9 ~~requiring permit applicants to pay the cost of the notice~~; ~~authorizing the~~  
10 ~~Department of the Environment to require the permit applicant to publish and~~  
11 ~~send the notice~~; and generally relating to notice requirements for permit  
12 applications.

13 BY repealing and reenacting, with amendments,  
14 Article – Environment  
15 Section 1-602  
16 Annotated Code of Maryland  
17 (2007 Replacement Volume and 2008 Supplement)

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

20 **Article – Environment**

21 1-602.

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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.



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

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

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

(3) The Department 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; and

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

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

**(I) ELECTRONICALLY POST THE NOTICE OF AN APPLICATION FOR A PERMIT ON THE DEPARTMENT'S WEBSITE; AND**

**(II) PROVIDE A METHOD FOR INTERESTED PERSONS TO ELECTRONICALLY REQUEST ANY ADDITIONAL NOTICES RELATED TO AN APPLICATION FOR A PERMIT.**

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

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

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

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

1           ~~(3)~~ **(2)**       **THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**  
2 **SUBSECTION SHALL INCLUDE:**

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

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

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

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

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

13                          **(VI) ANY OTHER INFORMATION THAT THE DEPARTMENT**  
14 **DETERMINES IS NECESSARY.**

15                          ~~**(4)   THE APPLICANT SHALL BEAR ALL COSTS INCURRED BY THE**~~  
16 ~~**DEPARTMENT IN PROVIDING THE NOTICE REQUIRED UNDER SUBSECTION (B)**~~  
17 ~~**OF THIS SECTION.**~~

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

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

Approved:

\_\_\_\_\_ Governor.

\_\_\_\_\_ Speaker of the House of Delegates.

\_\_\_\_\_ President of the Senate.