

SENATE BILL 47

M3

9lr0992

(PRE-FILED)

By: **Senator Harrington**

Requested: November 13, 2008

Introduced and read first time: January 14, 2009

Assigned to: Education, Health, and Environmental Affairs

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 requiring the notice to contain certain information; requiring permit applicants
6 to pay the cost of the notice; authorizing the Department of the Environment to
7 require the permit applicant to publish and send the notice; and generally
8 relating to notice requirements for permit applications.

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

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

16 **Article – Environment**

17 1–602.

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

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

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

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

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

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

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

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

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

28 **(VI) ANY OTHER INFORMATION THAT THE DEPARTMENT**
29 **DETERMINES IS NECESSARY.**

30 **(3) THE APPLICANT SHALL BEAR ALL COSTS INCURRED BY THE**
31 **DEPARTMENT IN PROVIDING THE NOTICE REQUIRED UNDER SUBSECTION (B)**
32 **OF THIS SECTION.**

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

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