

CHAPTER 437

(House Bill 1058)

AN ACT concerning

Environment – Sewage Sludge Utilization Permits – Local Notice

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

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

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

Article – Environment

9–234.

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

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

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

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

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

(2) Mail a copy of the notice to:

(i) The local health official;

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

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

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

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

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

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

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

(1) The local health official;

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 7, 2009.