

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 1078

(Delegate Niemann)

Environmental Matters

Education, Health, and Environmental Affairs

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**Environment - Permit Applications - Notice Requirements**

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This bill requires that whenever the Maryland Department of the Environment (MDE) must publish notice of an application for specified permits MDE also has to post notice on its web site and allow interested persons to electronically request any additional notice related to the permits. The bill specifies the required contents of the notice to be posted electronically.

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**Fiscal Summary**

**State Effect:** MDE can implement the bill with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** Most permits issued by MDE, including all permits specified in the section on notice in Title 1 of the Environment Article, are required to be accompanied by the following standard notice provisions:

- notice has to be published at least once a week for two consecutive weeks in a daily or weekly newspaper of general circulation in the geographical area in which the proposed facility is located;

- MDE 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;
- MDE 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
- the applicant bears all costs incurred by MDE in providing notice.

Current regulations require that, for all public informational hearings pertaining to the conservation, protection, and use of water resources in the State, notice must be mailed to those on the interested persons list. The interested persons list includes contiguous property owners – *i.e.*, owners of property that share a common boundary with the applicant’s property.

The following permits are subject to the public participation requirements specified under Title 1, Subtitle 6 of the Environment Article:

- specified air quality control permits to construct;
- specified permits to install, materially alter, or materially extend landfill systems and incinerators;
- specified water discharge permits;
- specified sewage sludge permits;
- specified controlled hazardous substance facility permits;
- specified hazardous material facility permits; and
- specified low-level nuclear waste facility permits.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 47 (Senator Harrington) – Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland Department of the Environment, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2009  
ncs/ljm Revised - House Third Reader - April 7, 2009  
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