

**Department of Legislative Services**  
Maryland General Assembly  
2014 Session

**FISCAL AND POLICY NOTE**

House Bill 945 (Cecil County Delegation)  
Environmental Matters

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**Sewage Sludge - Permit Applications and Public Hearings - Notification Requirements**

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This bill establishes additional public notice requirements for the Maryland Department of the Environment (MDE) and for applicants of specified sewage sludge permits, including the required form and content for providing notice, including signs.

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**Fiscal Summary**

**State Effect:** Special fund expenditures increase, likely by between \$10,000 and \$15,000 annually, beginning in FY 2015, for postage and publication costs. MDE can otherwise implement the bill, including the bill's verification requirements, with existing budgeted resources. Revenues are not affected.

**Local Effect:** The bill is not anticipated to directly affect local operations or finances.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary/Current Law:**

*Permit to Apply Sewage Sludge on Marginal Land or to Construct a Utilization Facility*

Currently, for a permit to apply sewage sludge on marginal land or to construct a permanent facility that is designed primarily to utilize sewage sludge, MDE must publish notice of the application in a local newspaper having a substantial circulation in the relevant county and mail a copy of the notice to specified local officials, including in any

county within one mile of the site. Within 15 days of receiving a copy of a permit application, the executive or the legislative body of the relevant county or municipal corporation may request that MDE hold a public hearing; MDE must hold a public hearing if it receives a hearing request.

The bill requires MDE to also mail a copy of this notice to the record owners of any property adjoining the relevant site. At a minimum, the notice must identify the site by tax and parcel number, and provide the street address, if applicable.

If a public hearing is requested (under existing authority), MDE must require the permit applicant to post a sign at the proposed utilization site at least 14 days before a requested public hearing. The sign must be durable and weather resistant, at least 30 by 36 inches, orange, and visible from the nearest public road. The sign must also contain, at a minimum: (1) a statement that MDE has received a sewage sludge utilization permit application for the property; (2) the time and place scheduled for the public hearing; (3) the tax and parcel numbers and, if applicable, the street address of the proposed sewage sludge utilization site; and (4) contact information for MDE.

MDE must verify that the applicant complies with these notice requirements, and publish notice of the public hearing at least 14 days before the hearing. At a minimum, the notice must identify the land by tax and parcel number and street address if applicable. MDE must also publish the notice of the hearing in a local newspaper of substantial circulation in the relevant county.

#### *Sewage Sludge Application on Land Other Than Marginal Land*

Currently, for a permit to apply sewage sludge on land other than marginal land, MDE must mail a copy of the permit application to specified local officials within the relevant county and any affected municipal corporation. Within 10 days after receiving a copy of the permit application, the executive or the legislative body of the county or municipal corporation may request that MDE conduct a public information meeting. If MDE receives a request for a public information meeting, it must conduct a meeting and, among other requirements, give the applicant the opportunity to present information at the meeting.

The bill requires MDE to publish notice of the application in a local newspaper having a substantial circulation in the relevant county. The notice must, at a minimum, identify the relevant site by tax and parcel number and, if applicable, the street address. MDE must also mail a copy of the notice to the record owners of any property adjoining the relevant site. Additionally, MDE must require the permit applicant to post a sign at the proposed utilization site. The sign must be durable and weather resistant, at least 30 by 36 inches, orange, and visible from the nearest public road. The sign must also contain,

at a minimum: (1) a statement that MDE has received a sewage sludge utilization permit application for the property; (2) the tax and parcel numbers and, if applicable, the street address of site; and (3) contact information for MDE. MDE must verify that the applicant complies with these notice requirements.

As noted above, currently, within 10 days after receiving a copy of a permit application to apply sewage sludge on land other than marginal land, the executive or the legislative body of a county or municipal corporation where sewage sludge is to be applied may request that MDE conduct a *public information meeting*. The bill requires MDE to ensure that the permit applicant posts a public notice sign at the site at least 14 days before a *public hearing* (as noted, current law requires a *public information meeting*, not a *hearing*). The sign must be durable and weather resistant, at least 30 by 36 inches, orange, and visible from the nearest public road. The sign must also contain, at a minimum: (1) a statement that MDE has received a sewage sludge utilization permit application for the property; (2) the time and place scheduled for the *public hearing*; (3) the tax and parcel numbers and, if applicable, the street address of the proposed sewage sludge utilization site; and (4) contact information for MDE. MDE must verify that the applicant complies with these notice requirements.

#### *Permit for a Structure for Storage or Distribution of Sewage Sludge*

Currently, before MDE issues, amends, or renews a permit to install, materially alter, or materially extend a structure used for the storage or distribution of any type of sewage sludge, it must hold a public hearing on the application, amendment, or renewal. The bill requires MDE to ensure that the permit applicant posts a sign at the site at least 14 days before the public hearing. The sign must be durable and weather resistant, at least 30 by 36 inches, orange, and visible from the nearest public road. The sign must also contain, at a minimum: (1) a statement that MDE has received a sewage sludge utilization permit application for the property; (2) the time and place scheduled for the public hearing; (3) the tax and parcel numbers and, if applicable, the street address of the proposed sewage sludge utilization site; and (4) contact information for MDE. MDE must verify that the applicant complies with these notice requirements.

**Background:** MDE advises that it receives about 75 applications for the utilization of sewage sludge on nonmarginal land annually and about 5 applications for the utilization of sewage sludge on marginal land or for the construction of a permanent facility.

**State Expenditures:** Special fund expenditures for MDE increase, likely by between \$10,000 and \$15,000 annually, beginning in fiscal 2015 for postage and publication costs to comply with the bill. *For illustrative purposes*, assuming the bill's requirements affect 80 permit applications each year, postage costs increase by \$3,990 and publication costs increase by about \$7,525 annually. These estimates assume that, on average, each

application involves 10 adjoining landowners, postage costs total \$5.32 per application, and publication costs total \$100 per application. Actual costs may vary each year depending on the number of applications received, actual postage and publication costs, and the number of adjoining landowners that are affected.

While workloads for MDE staff and inspectors increase to implement the bill and to ensure that permit applicants comply with the bill's public notice requirements, it is assumed that any increase in workloads can be handled with existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** The Town of Berlin, Maryland Department of the Environment, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2014  
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Analysis by: Evan M. Isaacson

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510