

SENATE BILL 347

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(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Environment)**

Requested: September 26, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Public Hearing and Notification Modernization Act**

3 FOR the purpose of modifying the procedures for public participation in the licensing,
4 permitting, and regulations processes of the Department of the Environment;
5 authorizing the Department to hold certain public meetings and hearings using
6 teleconference or Internet-based conferencing technology under certain
7 circumstances; requiring the Department to hold certain in-person public meetings
8 and hearings at certain locations; specifying that the Department is not required to
9 hold certain in-person public meetings or hearings when a certain emergency
10 declaration has been issued; requiring applicants for certain licenses or permits to
11 bear the cost of certain public meetings and hearings held using teleconference or
12 Internet-based conferencing technology; authorizing the Department to post certain
13 public notices on the Department's website; repealing certain newspaper notice
14 requirements; repealing requirements that certain notices be sent by mail; revising
15 the requirements for providing certain notices to certain interested persons;
16 repealing a requirement that certain public hearings be held in accordance with the
17 Administrative Procedure Act; making technical and conforming changes; and
18 generally relating to public participation in the licensing, permitting, and
19 regulations processes of the Department of the Environment.

20 BY repealing and reenacting, without amendments,
21 Article – Environment
22 Section 1–601(a) and 5–204(a)
23 Annotated Code of Maryland
24 (2013 Replacement Volume and 2020 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Environment
27 Section 1–601(f), 1–602, 2–303, 2–404, 5–204(b), (c), and (e), and 7–239

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2013 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Environment
5 Section 9–204.2, 9–234, 9–234.1, 9–324, and 16–307(a)(5)
6 Annotated Code of Maryland
7 (2014 Replacement Volume and 2020 Supplement)

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

10 **Article – Environment**

11 1–601.

12 (a) Permits issued by the Department under the following sections shall be issued
13 in accordance with this subtitle:

14 (1) Air quality control permits to construct subject to § 2–404 of this article;

15 (2) Permits to install, materially alter, or materially extend landfill
16 systems, incinerators for public use, or rubble landfills subject to § 9–209 of this article;

17 (3) Permits to discharge pollutants to waters of the State issued pursuant
18 to § 9–323 of this article;

19 (4) Permits to install, materially alter, or materially extend a structure
20 used for storage or distribution of any type of sewage sludge issued, renewed, or amended
21 pursuant to § 9–234.1 or § 9–238 of this article;

22 (5) Permits to own, operate, establish, or maintain a controlled hazardous
23 substance facility issued pursuant to § 7–232 of this article;

24 (6) Permits to own, operate, or maintain a hazardous material facility
25 issued pursuant to § 7–103 of this article; and

26 (7) Permits to own, operate, establish, or maintain a low–level nuclear
27 waste facility issued pursuant to § 7–233 of this article.

28 (f) (1) When this article requires more than one public informational meeting
29 or public hearing, the Department may consolidate some or all of the meetings or hearings
30 for the proposed facility with similar meetings or hearings.

31 (2) (1) **WHEN THIS SUBTITLE REQUIRES THE DEPARTMENT TO**
32 **HOLD A PUBLIC INFORMATIONAL MEETING OR PUBLIC HEARING, THE DEPARTMENT**
33 **SHALL HOLD THE MEETING OR HEARING IN ACCORDANCE WITH THE REQUIREMENTS**

1 OF THIS PARAGRAPH.

2 (II) THE DEPARTMENT MAY HOLD A PUBLIC INFORMATIONAL
3 MEETING OR PUBLIC HEARING REQUIRED UNDER THIS SUBTITLE USING
4 TELECONFERENCE OR INTERNET-BASED CONFERENCING TECHNOLOGY UNLESS:

5 1. AN APPLICABLE PROVISION OF FEDERAL STATUTE OR
6 REGULATION REQUIRES THE MEETING OR HEARING TO BE HELD IN PERSON; OR

7 2. SUBJECT TO SUBPARAGRAPH (IV) OF THIS
8 PARAGRAPH, ANY PERSON REQUESTS THAT THE MEETING OR HEARING BE HELD
9 IN PERSON.

10 (III) [The Department shall hold public informational meetings and
11 public hearings] IF THE DEPARTMENT HOLDS AN IN-PERSON PUBLIC
12 INFORMATIONAL MEETING OR PUBLIC HEARING, THE DEPARTMENT SHALL HOLD
13 THE MEETING OR HEARING at a location in the political subdivision and in close proximity
14 to the location where the individual permit applies.

15 (IV) TO PROTECT PUBLIC HEALTH AND SAFETY, THE
16 DEPARTMENT IS NOT REQUIRED TO HOLD AN IN-PERSON PUBLIC INFORMATIONAL
17 MEETING OR PUBLIC HEARING SPECIFIED UNDER SUBPARAGRAPH (II)2 OF THIS
18 PARAGRAPH IF AN EMERGENCY DECLARATION IS ISSUED BY AN EXECUTIVE
19 AUTHORITY OF:

20 1. THE FEDERAL OR STATE GOVERNMENT; OR

21 2. THE LOCAL GOVERNMENT WITH JURISDICTION OVER
22 A COUNTY OR MUNICIPALITY WHERE THE IN-PERSON MEETING OR HEARING WOULD
23 OTHERWISE BE HELD.

24 (V) THE APPLICANT SHALL BEAR THE COST OF A PUBLIC
25 INFORMATIONAL MEETING OR PUBLIC HEARING HELD USING TELECONFERENCE OR
26 INTERNET-BASED CONFERENCING TECHNOLOGY IN ACCORDANCE WITH
27 SUBPARAGRAPH (II) OF THIS PARAGRAPH.

28 1-602.

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

30 (1) Notice shall be [published]:

31 (I) PUBLISHED at least once a week for 2 consecutive weeks in a
32 daily or weekly newspaper of general circulation in the geographical area in which the

1 proposed facility is located; OR

2 **(II) EXCEPT FOR NOTICE RELATED TO A CONTROLLED**
3 **HAZARDOUS SUBSTANCE FACILITY PERMIT REQUIRED UNDER § 7-232 OF THIS**
4 **ARTICLE, POSTED ELECTRONICALLY ON THE DEPARTMENT'S WEBSITE IN LIEU OF**
5 **PUBLICATION IN A NEWSPAPER;**

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

9 (3) The Department may provide additional notice by requiring the notice
10 to be posted at the proposed facility or at public facilities in the geographical area of the
11 proposed facility; and

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

14 (b) (1) In addition to the requirements set forth in subsection (a) of this section
15 and notwithstanding any other requirements in this article, wherever this subtitle requires
16 the Department to publish notice of an application for a permit, the Department shall:

17 (i) Electronically post the notice of an application for a permit on
18 the Department's [Web site] WEBSITE; and

19 (ii) Provide a method for interested persons to electronically request
20 any additional notices related to an application for a permit.

21 (2) The notice required under paragraph (1) of this subsection shall
22 include:

23 (i) The name and address of the applicant;

24 (ii) A description of the location and the nature of the activity for
25 which the permit has been sought;

26 (iii) A reference to the applicable statutes or regulations governing
27 the application process;

28 (iv) The time and place of any scheduled informational meeting or
29 public hearing, or a description of where this information can be found;

30 (v) A description of where further information about the permit
31 application can be found; and

32 (vi) Any other information that the Department determines is

1 necessary.

2 (c) The Department may require the applicant to publish and send the notices
3 required in subsection (a) of this section.

4 2–303.

5 (a) The Department may not adopt any rule or regulation under this title unless
6 the requirements of this section and the Administrative Procedure Act are met.

7 (b) (1) Before adopting any rule or regulation under this title, the Department
8 shall announce and hold a public hearing on the subject.

9 (2) **A PUBLIC HEARING REQUIRED UNDER THIS SUBTITLE MAY BE
10 HELD USING TELECONFERENCE OR INTERNET-BASED CONFERENCING
11 TECHNOLOGY.**

12 (3) **TO PROTECT PUBLIC HEALTH AND SAFETY, THE DEPARTMENT IS
13 NOT REQUIRED TO HOLD AN IN-PERSON PUBLIC HEARING IF AN EMERGENCY
14 DECLARATION IS ISSUED BY AN EXECUTIVE AUTHORITY OF:**

15 (i) **THE FEDERAL OR STATE GOVERNMENT; OR**

16 (ii) **THE LOCAL GOVERNMENT WITH JURISDICTION OVER A
17 COUNTY OR MUNICIPALITY WHERE AN IN-PERSON HEARING WOULD OTHERWISE BE
18 HELD.**

19 (c) [(1) Until October 1, 2014, at least 30 days before the public hearing, the
20 Department shall publish notice of the hearing in a newspaper of general circulation in the
21 area concerned.

22 (2) The notice required under paragraph (1) of this subsection shall state:

23 (i) The date, time, and place of the hearing;

24 (ii) The purpose of the hearing;

25 (iii) That, beginning on October 1, 2014, all future notices required
26 under this title will be posted on the Department’s Web site; and

27 (iv) A phone number or electronic mail address at the Department
28 that a person can contact to arrange for the receipt of future public notices required under
29 this title by first-class mail or electronic mail.]

30 [(3) (1) [Beginning on October 1, 2014, at] **AT** least 30 days before the

1 public hearing, the Department shall publish notice of the hearing in a newspaper of
2 general circulation in the area concerned or on the Department's [Web site] WEBSITE.

3 ~~[(4)] (2)~~ The notice required under paragraph ~~[(3)] (1)~~ of this subsection
4 shall state:

5 (i) The date, time, and place of the hearing; and

6 (ii) The purpose of the hearing.

7 (d) [Beginning on October 1, 2014, the Department shall publish annually a
8 notice in a newspaper of general circulation to inform the public of:

9 (1) The types of public notices required under this title that are available
10 on the Department's Web site; and

11 (2) A phone number or electronic mail address at the Department that a
12 person can contact to arrange for the receipt of future public notices required under this
13 title by first-class mail or electronic mail.

14 (e)] After the public hearing, the Department may adopt the rule or regulation
15 with or without modification.

16 2-404.

17 (a) This section applies to the following activities:

18 (1) Construction of a new source;

19 (2) Replacement of components of an existing permitted source, if the fixed
20 capital cost of the replacement components exceeds one-half of the fixed capital cost that
21 would be required to construct a new source comparable in process to the existing source;
22 and

23 (3) Modification of an existing permitted source by making a physical or
24 operational change to the source that will result in a significant net increase in emissions
25 of any pollutant from that source.

26 (b) (1) Before accepting an application for a permit subject to subsection (c) of
27 this section, the Department shall require the applicant to submit documentation:

28 (i) That demonstrates that the proposal has been approved by the
29 local jurisdiction for all zoning and land use requirements; or

30 (ii) That the source meets all applicable zoning and land use
31 requirements.

1 (2) Paragraph (1) of this subsection does not apply to any application for a
2 permit to construct at an existing source unless the existing source is a nonconforming use.

3 (c) The Department shall comply with the provisions in subsection (d) of this
4 section before issuing a permit for the activities listed in subsection (a) of this section at:

5 (1) Any source which is required to obtain a permit to operate under
6 regulations adopted under this subtitle;

7 (2) Any source which is subject to federal standards under 40 C.F.R. Part
8 61 (National Emission Standards for Hazardous Air Pollutants) or 40 C.F.R. 52.21
9 (Prevention of Significant Deterioration); or

10 (3) Any source that will, after control, discharge 25 tons or more per year
11 of a pollutant regulated under this title in the areas of Baltimore City designated by the
12 United States Post Office as zip code numbers 21225, 21226, and 21230.

13 (d) (1) On receipt of an application for a permit subject to subsection (c) of this
14 section, the Department shall give notice immediately or require the applicant to give
15 notice immediately of the application [by certified mail] to:

16 (i) The governing body of each county or municipal corporation in
17 which any portion of the source is located or is proposed to be located;

18 (ii) The governing body of each county or municipal corporation
19 within one mile of the property line of the source or the proposed location of the source;

20 (iii) Each member of the General Assembly representing any part of
21 a county in which any portion of the source is located or proposed to be located; and

22 (iv) Each member of the General Assembly representing any part of
23 each county within one mile of the property line of the source or the proposed location of
24 the source.

25 (2) In addition to the requirements under paragraph (1) of this subsection,
26 before issuing a permit subject to subsection (c) of this section, the Department shall:

27 (i) Comply with the provisions of Title 1, Subtitle 6 of this article;
28 and

29 (ii) Conduct any public hearing required by Title 1, Subtitle 6 of this
30 article [in the county in which the proposed source is located].

31 (3) In addition to the requirements under paragraphs (1) and (2) of this
32 subsection, before issuing a permit to construct a source described in subsection (c)(3) of
33 this section, the Department shall require at the expense of the applicant the preparation

1 of an ambient air quality impact analysis regarding the proposed construction.

2 (e) Before issuing a permit for the activities listed in subsection (a) of this section
3 at any source which is subject to federal standards under 40 C.F.R. Part 60 (New Source
4 Performance Standards), the Department shall:

5 (1) Comply with the provisions of subsection (d) of this section; or

6 (2) (i) Electronically post a notice of an application for the permit on
7 the Department's [Web site] WEBSITE in accordance with § 1-602(b)(1) of this article;

8 (ii) Give notice to the chief executive of any county or municipal
9 corporation in which any portion of the source is located or is proposed to be located; and

10 (iii) Receive comments from the public on the permit application.

11 (f) The provisions of this section do not apply to any permit to construct control
12 equipment on an existing source or to any permit to operate.

13 5-204.

14 (a) (1) It is the intent of the General Assembly to establish consolidated
15 procedures and notice and hearing requirements for Subtitles 5 and 9 of this title and Titles
16 14, 15, and 16 of this article in order to ensure efficient review and consistent decision
17 making.

18 (2) Notwithstanding any provision of the State Government Article, public
19 notice on pending applications provided in accordance with the provisions of this section
20 shall be the only notice required by law.

21 (b) (1) Applicants shall ascertain the names and addresses of all current
22 owners of property contiguous to the parcel upon which the proposed activity will occur and
23 personally or by certified mail serve notice upon each owner.

24 (2) Applicants shall serve personally or by certified mail appropriate local
25 officials.

26 (3) Applicants shall provide the Department with certification that notice
27 has been served on all contiguous property owners and appropriate local officials.

28 (4) Upon substantial completion of an application, the Department shall
29 draft a public notice that includes:

30 (i) The name and address of the applicant;

31 (ii) A description of the location and nature of the activity for which
32 application has been made;

1 (iii) The name, address, and telephone number of the office within
2 the Department from which information about the application may be obtained;

3 (iv) [A statement that any further notices about actions on the
4 application will be provided only by mail to those persons on a mailing list of interested
5 persons;

6 (v) A description of how persons may submit information or
7 comments about the application, request a public informational hearing, or request to be
8 included on the [mailing] list of interested persons; and

9 [(vi)] (V) A deadline for the close of the public comment period by
10 which information, comments, or requests must be received by the Department.

11 (5) (I) The Department shall prepare a public notice to be published [for
12 at least 1 business day in a newspaper of general circulation in the area where the proposed
13 activity would occur] **ELECTRONICALLY ON THE DEPARTMENT'S WEBSITE.**

14 (II) At its discretion, the Department [shall] **MAY:**

15 [(i)] 1. Publish the public notice **FOR AT LEAST 1**
16 **BUSINESS DAY IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA WHERE**
17 **THE PROPOSED ACTIVITY WOULD OCCUR; or**

18 [(ii)] 2. Direct the applicant to publish the public notice
19 **FOR AT LEAST 1 BUSINESS DAY IN A NEWSPAPER OF GENERAL CIRCULATION IN THE**
20 **AREA WHERE THE PROPOSED ACTIVITY WOULD OCCUR.**

21 (6) The applicant shall bear the cost of [the] A newspaper notice.

22 (7) The Department shall [mail] **PROVIDE** public notices to a [general
23 subscription mailing] list **OF INTERESTED PERSONS.**

24 (8) Comments on an application or requests for a public informational
25 hearing must be forwarded in writing to the Department prior to the close of the public
26 comment period specified in the public notice.

27 (9) The Department shall compile an interested persons list containing the
28 names of all contiguous property owners, appropriate local officials, and individuals that
29 comment on, request hearings, or make inquiries about an application during any phase of
30 the Department's review.

31 [(10) No further notice will be provided except to persons on the interested
32 persons list.]

1 (c) (1) The Department shall hold a public informational hearing if it receives
2 a timely written request in accordance with the [following] provisions[:] OF THIS
3 SUBSECTION.

4 [(1)] (2) The request shall be received prior to the close of the public
5 comment period.

6 [(2)] (3) A public informational hearing shall be held within 45 calendar
7 days of the close of the public comment period.

8 [(3)] (4) The Department shall specify the date, time, and location of the
9 public INFORMATIONAL hearing.

10 (5) THE PUBLIC INFORMATIONAL HEARING MAY BE HELD USING
11 TELECONFERENCE OR INTERNET-BASED CONFERENCING TECHNOLOGY.

12 (6) TO PROTECT PUBLIC HEALTH AND SAFETY, THE DEPARTMENT IS
13 NOT REQUIRED TO HOLD AN IN-PERSON PUBLIC INFORMATIONAL HEARING IF AN
14 EMERGENCY DECLARATION IS ISSUED BY AN EXECUTIVE AUTHORITY OF:

15 (I) THE FEDERAL OR STATE GOVERNMENT; OR

16 (II) THE LOCAL GOVERNMENT WITH JURISDICTION OVER A
17 COUNTY OR MUNICIPALITY WHERE AN IN-PERSON HEARING WOULD OTHERWISE BE
18 HELD.

19 [(4)] (7) The Department shall [mail notice of] ELECTRONICALLY POST
20 ON THE DEPARTMENT'S WEBSITE the date, time, and location of any public informational
21 hearing on an application AND PROVIDE NOTICE to those persons on the interested
22 persons list no later than 14 calendar days prior to the hearing.

23 [(5)] (8) The Department may extend the official record of a public
24 informational hearing.

25 (9) THE APPLICANT SHALL BEAR THE COST OF A PUBLIC
26 INFORMATIONAL HEARING HELD USING TELECONFERENCE OR INTERNET-BASED
27 CONFERENCING TECHNOLOGY IN ACCORDANCE WITH PARAGRAPH (5) OF THIS
28 SUBSECTION.

29 (e) The Department shall [mail] PROVIDE notice of a decision to issue, modify,
30 or deny a permit or license to the applicant and to those persons on the interested persons
31 list.

1 7-239.

2 (a) Before the Department issues a controlled hazardous substance facility
3 permit, the Department shall comply with Title 1, Subtitle 6 of this article.

4 (b) Before the Department issues a low-level nuclear waste facility permit, the
5 Department shall:

6 (1) Comply with Title 1, Subtitle 6 of this article; and

7 (2) Conduct any public hearing required by § 1-604 of this article:

8 (I) USING TELECONFERENCE OR INTERNET-BASED
9 CONFERENCING TECHNOLOGY; OR

10

11 (II) IN PERSON in the county where the proposed facility is to be
12 located.

13 9-204.2.

14 (a) In addition to the requirements of § 9-204 of this subtitle and Title 1, Subtitle
15 6 of this article, an applicant for a permit to install, materially alter, or materially extend
16 a landfill system shall give notice of the application by certified mail to:

17 (1) The owners of all real property adjoining the site where the proposed
18 project is located;

19 (2) The chairman of the legislative body and any elected executive of the
20 county where the proposed project site is located;

21 (3) The elected executive of any municipal corporation where the proposed
22 project site is located; and

23 (4) Any other county within 1 mile of where the proposed project site is
24 located.

25 (b) Any informational meeting required by § 1-603 of this article shall be held:

26 (1) USING TELECONFERENCE OR INTERNET-BASED CONFERENCING
27 TECHNOLOGY; OR

28 (2) IN PERSON in the county where the proposed facility is to be located.

29 9-234.

30 (a) When the Department receives an application for a permit to utilize sewage

1 sludge at a site, the Department immediately shall mail a copy of the permit application:

2 (1) To the legislative body and any elected executive of a county and to the
3 elected executive of any municipal corporation where the sewage sludge utilization site is
4 to be located; and

5 (2) To the legislative body and any elected executive of any other county
6 within 1 mile of the sewage sludge utilization site.

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

10 (1) **[Publish] PROVIDE** notice of the application **BY:**

11 (I) **PUBLISHING THE NOTICE** in a local newspaper having a
12 substantial circulation in the county where the sewage sludge is to be applied or the facility
13 is to be constructed; **OR**

14 (II) **POSTING THE NOTICE ON THE DEPARTMENT'S WEBSITE;**
15 **AND**

16 (2) Mail a copy of the notice to:

17 (i) The local health official;

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

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

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

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

29 (2) If the Department receives a request under paragraph (1) of this
30 subsection, the Department shall hold a public hearing:

31 (I) **USING TELECONFERENCE OR INTERNET-BASED**
32 **CONFERENCING TECHNOLOGY; OR**

1 **(II) IN PERSON** in the affected subdivision [in accordance with the
2 Administrative Procedure Act].

3 (3) If the executives or legislative bodies of more than [1] ONE county or
4 municipal corporation request a hearing under this subsection, the Department may hold
5 a consolidated hearing:

6 **(I) USING TELECONFERENCE OR INTERNET-BASED**
7 **CONFERENCEING TECHNOLOGY; OR**

8 **(II) IN PERSON** in [1] ONE county.

9 **(4) AN APPLICANT SHALL BEAR THE COST OF HOLDING A PUBLIC**
10 **HEARING USING TELECONFERENCE OR INTERNET-BASED CONFERENCEING**
11 **TECHNOLOGY IN ACCORDANCE WITH PARAGRAPH (2) OR (3) OF THIS SUBSECTION.**

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

14 (1) The local health official;

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

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

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

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

25 (i) Shall conduct a public information meeting:

26 **1. USING TELECONFERENCE OR INTERNET-BASED**
27 **CONFERENCEING TECHNOLOGY; OR**

28 **2. IN PERSON** in the affected subdivision;

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

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

3 (3) If the executives or legislative bodies of more than [1] ONE county or
4 municipal corporation request a public information meeting under this subsection, the
5 Department may hold a consolidated public information meeting:

6 (I) USING TELECONFERENCE OR INTERNET-BASED
7 CONFERENCING TECHNOLOGY; OR

8 (II) IN PERSON in [1] ONE county.

9 (4) AN APPLICANT SHALL BEAR THE COST OF HOLDING A PUBLIC
10 INFORMATION MEETING USING TELECONFERENCE OR INTERNET-BASED
11 CONFERENCING TECHNOLOGY IN ACCORDANCE WITH PARAGRAPH (2)(I) OR (3) OF
12 THIS SUBSECTION.

13 (f) TO PROTECT PUBLIC HEALTH AND SAFETY, THE DEPARTMENT IS NOT
14 REQUIRED TO HOLD AN IN-PERSON PUBLIC HEARING OR PUBLIC INFORMATION
15 MEETING IF AN EMERGENCY DECLARATION IS ISSUED BY AN EXECUTIVE AUTHORITY
16 OF:

17 (1) THE FEDERAL OR STATE GOVERNMENT; OR

18 (2) THE LOCAL GOVERNMENT WITH JURISDICTION OVER A COUNTY
19 OR MUNICIPALITY WHERE AN IN-PERSON HEARING OR MEETING WOULD
20 OTHERWISE BE HELD.

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

25 9-234.1.

26 (a) This section does not apply to the storage or distribution of sewage sludge at
27 a sewage treatment plant.

28 (b) Before the Secretary issues, amends, or renews a permit to an applicant or
29 permit holder under § 9-232 or § 9-238 of this subtitle to install, materially alter, or
30 materially extend a structure used for storage or distribution of any type of sewage sludge,
31 the Department shall hold a public hearing on the application, amendment, or renewal.

32 (c) The Department shall hold a public hearing:

1 **(1) USING TELECONFERENCE OR INTERNET-BASED CONFERENCING**
2 **TECHNOLOGY; OR**

3 **(2) IN PERSON** in the affected subdivision [in accordance with the
4 Administrative Procedure Act].

5 (d) If more than [1] **ONE** county or municipal corporation will be affected by the
6 granting of the sludge storage permit application, the Department may hold a consolidated
7 hearing:

8 **(1) USING TELECONFERENCE OR INTERNET-BASED CONFERENCING**
9 **TECHNOLOGY; OR**

10 **(2) IN PERSON** in any affected subdivision.

11 9-324.

12 (a) Subject to the provisions of this section, the Department may issue a discharge
13 permit if the Department finds that the discharge meets:

14 (1) All applicable State and federal water quality standards and effluent
15 limitations; and

16 (2) All other requirements of this subtitle.

17 (b) Before issuing a discharge permit, the Department shall comply with the
18 provisions of Title 1, Subtitle 6 of this article.

19 (c) The [information] **INFORMATIONAL** meeting required by Title 1, Subtitle 6
20 of this article shall be held:

21 **(1) USING TELECONFERENCE OR INTERNET-BASED CONFERENCING**
22 **TECHNOLOGY; OR**

23 **(2) IN PERSON** in the geographical area that will be most directly affected
24 if the discharge permit is issued.

25 (d) The Department shall give public notice of each application for a discharge
26 permit as required by Title 1, Subtitle 6 of this article, and by making available to the public
27 appropriate documents, permit applications, supporting material, plans, and other relevant
28 information.

29 16-307.

1 (a) (5) (i) No later than 30 days after receipt of the application, the
2 Secretary shall issue public notice of the opportunity to submit written comments or to
3 request a hearing.

4 (II) A hearing shall be held if requested.

5 (III) **A HEARING REQUIRED UNDER THIS SECTION MAY BE HELD**
6 **USING TELECONFERENCE OR INTERNET-BASED CONFERENCING TECHNOLOGY.**

7 (IV) **THE APPLICANT SHALL BEAR THE COST OF A HEARING**
8 **HELD USING TELECONFERENCE OR INTERNET-BASED CONFERENCING**
9 **TECHNOLOGY IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

10 (V) **TO PROTECT PUBLIC HEALTH AND SAFETY, THE**
11 **DEPARTMENT IS NOT REQUIRED TO HOLD AN IN-PERSON HEARING IF AN**
12 **EMERGENCY DECLARATION IS ISSUED BY AN EXECUTIVE AUTHORITY OF:**

13 1. **THE FEDERAL OR STATE GOVERNMENT; OR**

14 2. **THE LOCAL GOVERNMENT WITH JURISDICTION OVER**
15 **A COUNTY OR MUNICIPALITY WHERE AN IN-PERSON HEARING WOULD OTHERWISE**
16 **BE HELD.**

17 [(ii)] (VI) If an electric company, as defined in § 1-101 of the Public
18 Utilities Article, applies to the Public Service Commission for a certificate of public
19 convenience associated with power plant construction which involves private wetlands, the
20 hearing and permit procedure shall be in accordance with § 3-306 of the Natural Resources
21 Article.

22 [(iii)] (VII) At a requested hearing any person may appear and give
23 testimony.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2021.