

one member. Of the remaining four members, two must be from the scientific community, one of whom is a geologist, and two must be members of the general public, one of whom has a demonstrated record of involvement in environmental matters. The Board represents the various geographical regions of the State. No two members may be from the same county (Code Natural Resources Article, secs. 3-701 through 3-713).

Local resistance to new hazardous waste treatment plants or landfills has made it impossible to locate needed facilities in most areas of the U.S. This resistance stems from legitimate public concern over past mismanagement. Without adequate facilities, however, the risk of improper disposal puts the public health and environment at risk, and the cost and difficulty of disposal puts a hardship on industry. The 1980 General Assembly created the Hazardous Waste Facilities Siting Board as a means of establishing properly designed and regulated hazardous waste facilities in Maryland.

The Board is an alternative to local approval of hazardous waste facilities. If the Board issues a Certificate of Public Necessity for a facility (which it may do only after careful study of environmental and community impact), local zoning and regulation no longer apply.

The Board does not seek out sites. It reviews applications for Certificates submitted by public or private developers. If a developer can gain local approval, he is not required to seek a Certificate from the Board. All facilities must also obtain a facility permit from the Department of Health and Mental Hygiene, as well as other required State or federal permits.

By law, the Board must consider the need for a facility and the suitability of the site before issuing a Certificate.

On November 18, 1981, the Board adopted a policy on the types and quantities of hazardous waste requiring treatment and disposal in the State. The policy spelled out the Board's findings on types and capacities of facilities needed, and on conditions which might be imposed in a Certificate. This policy is intended to inform the public and provide guidance to potential applicants.

The Board must judge the environmental and community impact of a facility before issuing a Certificate. The law requires the Board to consider the suitability of the site based on 1) safeguards to public health, safety, and the environment; 2) reasonable cost; 3) social values and reasonable use of land and natural resources; 4)

alternatives over burial; 5) managing closed sites; 6) equitable geographic distribution of sites; 7) local land use preference; and 8) geological stability and effects on public or private water supplies.

The Siting Board was created to allow needed facilities to be built and operated, while providing a means of considering community concerns. The public can participate at the following points in the review process:

*Completeness Review.* Once an application is received, the Board and staff must determine whether it is complete. The determination that all information needed for adequate review is present is published in the *Maryland Register* and publicized throughout the State. This announcement starts the six-month review period. (This process can be extended an additional six months by agreement with the applicant.)

*Public Information Meetings.* When the announcement of "application completeness" is publicized, one or more public information meetings is announced. These meetings are held as soon as possible after the notice of completeness and provide a chance for citizens to meet with the applicant and learn about the proposal.

*Initial Public Comment.* At the time the notice of completeness is published, copies of the application are distributed to affected governments and private parties. The public is invited to submit written information on the application to the Board during a fifty-day period commencing with the announcement of completeness. The Board can extend this deadline.

Final written comment is sought ninety days before the end of the six-month period.

*Requests for an Adjudicatory Hearing.* Members of the public particularly affected by the application may request an adjudicatory hearing to resolve questions of fact in the application. Requests must be made according to Board regulations, and within fifty days of the date completeness is announced.

*Final Public Comment.* Following the adjudicatory hearing, the Board seeks formal comment from affected governments and private parties.

*Public Hearings.* One or more public hearings are scheduled sixty days before the end of the six-month review period. The hearings are held in the county where the proposed site is located. The Board seeks advice and comment from the public on the suitability of the site and on any issues of policy it identifies as being present in the application. Policy issue is stated in the public notice of the hearing(s).