

REVISOR'S NOTE: Subsection (a) of this section formerly appeared as Article 43, § 394 1/2(b).

Subsection (b) of this section formerly appeared as Article 43, § 394 1/2(a).

The only changes are in style.

9-212. HEARING ON REQUEST FOR PERMIT FOR LANDFILL REFUSE DISPOSAL SYSTEM OR SLUDGE COMPOSTING FACILITY; PREREQUISITES TO ISSUANCE OF PERMIT.

(A) HEARING REQUIRED.

(1) BEFORE ISSUING A PERMIT FOR A LANDFILL REFUSE DISPOSAL SYSTEM OR SLUDGE COMPOSTING FACILITY UNDER § 9-210 OF THIS SUBTITLE, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL SET A DAY FOR A PUBLIC HEARING ON THE REQUEST.

(2) THE APPLICANT SHALL GIVE NOTICE TO THE PUBLIC OF THE APPLICATION AND OF THE HEARING, BY PUBLICATION ONCE A WEEK FOR 2 SUCCESSIVE WEEKS PRIOR TO THE HEARING, IN A REGULARLY PUBLISHED NEWSPAPER OF GENERAL CIRCULATION IN ANY CITY OR COUNTY THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE DETERMINES MAY BE DIRECTLY AFFECTED BY THE REQUEST. THE BOARD OF COUNTY COMMISSIONERS OR THE COUNTY COUNCIL OF THE APPROPRIATE COUNTY, THE MAYOR OR OTHER CHIEF EXECUTIVE OFFICIAL OF THE APPROPRIATE MUNICIPAL CORPORATION, AND THE DEPARTMENT OF NATURAL RESOURCES SHALL BE NOTIFIED BY THE APPLICANT BY REGISTERED OR CERTIFIED MAIL. THE LOCAL OFFICIALS SHALL NOTIFY ALL INTERESTED AGENCIES OF THEIR POLITICAL SUBDIVISIONS. IN THE PUBLIC NOTICE OF THE APPLICATION, THE DATE, PLACE AND TIME FIXED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE PUBLIC HEARING ON THE APPLICATION SHALL BE STATED.

(3) AT THE PUBLIC HEARING, THE APPLICANT AND ANY OTHER INTERESTED PERSON SHALL BE GIVEN AN OPPORTUNITY TO PRESENT FACTS, EVIDENCE, AND ARGUMENTS FOR OR AGAINST THE GRANTING OF THE APPLICATION.

(4) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY NOT ISSUE A PERMIT FOR A LANDFILL OR SLUDGE COMPOSTING FACILITY UNLESS IT HAS COMPLIED WITH ALL COUNTY ZONING AND LAND USE REQUIREMENTS OF THE COUNTY IN WHICH THE PROPOSED LANDFILL OR SLUDGE COMPOSTING FACILITY IS TO BE LOCATED AND HAS AN AFFIRMATIVE STATEMENT THAT THE BOARD OF COUNTY COMMISSIONERS OR THE COUNTY COUNCIL DOES NOT OPPOSE THE ISSUE OF THE PERMIT.

(B) SECTION NOT APPLICABLE TO CERTAIN PERMITS.

THE PROVISIONS OF THIS SECTION RELATING TO SLUDGE COMPOSTING FACILITIES DO NOT APPLY TO SITES WITH PERMITS PENDING WITH THE DEPARTMENT BEFORE JUNE 1, 1979.