(1) THE SEWAGE SLUDGE COMPOSTING FACILITY MEETS ALL ZONING AND LAND USE REQUIREMENTS OF THE COUNTY WHERE THE SEWAGE SLUDGE COMPOSTING FACILITY IS TO BE LOCATED; AND

(2) THE DEPARTMENT HAS A WRITTEN STATEMENT THAT THE BOARD OF COUNTY COMMISSIONERS OR THE COUNTY COUNCIL OF THE COUNTY WHERE THE SEWAGE SLUDGE COMPOSTING FACILITY IS TO BE LOCATED DOES NOT OPPOSE THE ISSUANCE OF THE PERMIT.

> REVISOR'S NOTE: This section is new language derived without substantive change from former HE §ь 9-212(a)(4), as that paragraph applied to sewage sludge composting facilities.
>
> The General Assembly may wish to consider clarifying or deleting this section.   The Washington Suburban Sanitary Commission argues that Chapter 408 of 1986, which inserted the words "the installation or material alteration or extension of" in former HE § 9-212(a)(1) and (4), was meant to be restricted in its application to the installation, material alteration, and material extension of landfills only. The legislative history of Chapter 408 of 1986 is not clear on this intent, but the law clearly and unambiguously applies to both landfills and sewage sludge composting facilities. The Department is neutral and takes no position on this issue.

9-234. NOTICES, HEARINGS, AND PUBLIC INFORMATION MEETINGS REQUIRED.

(A) NOTICE OF PERMIT APPLICATION -- IN GENERAL.

WHEN THE DEPARTMENT RECEIVES AN APPLICATION FOR A PERMIT TO UTILIZE SEWAGE SLUDGE AT A SITE, THE DEPARTMENT _IMMEDIATELY_ SHALL MAIL A COPY OF THE PERMIT APPLICATION:

(1) TO THE COUNTY AND TO ANY MUNICIPAL CORPORATION WHERE THE SEWAGE SLUDGE UTILIZATION SITE IS TO BE LOCATED; AND

(2) TO ANY OTHER COUNTY WITHIN 1 MILE OF THE SEWAGE SLUDGE UTILIZATION SITE.

(B) APPLICATION OF SEWAGE SLUDGE ON MARGINAL LAND; CONSTRUCTION OF PERMANENT FACILITY -- ADDITIONAL NOTICE OF APPLICATION.

WHEN--THE-DEPARTMENT-RECEIVES-AN-APPLICATION FOR A PERMIT TO APPLY SEWAGE SLUDGE ON MARGINAL LAND OR TO CONSTRUCT A PERMANENT FACILITY THAT IS DESIGNED PRIMARILY FOR-UTILIZATION-OF TO UTILIZE SEWAGE SLUDGE, THE DEPARTMENT SHALL: