

Article – Environment

Section 1-606

Annotated Code of Maryland

(1996 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1-606 of Article – Environment of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Environment

1-605.

(a) A person may request a contested case hearing to appeal a final determination if the person makes factual allegations with sufficient particularity to demonstrate that:

- (1) The person is aggrieved by the final determination; and
- (2) The final determination is:

(i) Legally inconsistent with any provisions of law applicable to the final determination being challenged; or

(ii) Based upon an incorrect determination of a relevant and material fact.

(b) (1) A party requesting a contested case hearing shall submit a written request for adjudication within 15 days after publication of a notice of final determination.

(2) THE DEPARTMENT SHALL TRANSMIT A REQUEST FOR A CONTESTED CASE HEARING TO THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 5 BUSINESS DAYS AFTER THE DEPARTMENT RECEIVES THE REQUEST.

(c) The request for adjudication shall set forth the basis for the request with sufficient particularity to assure that the issues to be raised are within the scope of subsection (a) of this section and that the person is aggrieved by the final determination.

(d) A party may not, in a contested case hearing, challenge a facility's compliance with zoning and land use requirements or conformity with a county plan issued under Title 9, Subtitle 5 of this article. However, nothing in this subtitle shall prevent a party from challenging whether the Department has complied with §§ 2-404(b)(1)(ii) and 9-210(a)(3) of this article, when applicable, nor does this subtitle prevent a party from contesting the compliance of the facility with zoning and land use or county plan requirements in any proceeding brought in accordance with and under any applicable local laws.