

HOUSE BILL 1212

M3, R1, R2

0lr1553

By: **Delegates Bagnall, Arian, Boyce, Chang, Crosby, Cullison, Gilchrist, Holmes, Howard, Johnson, Kipke, Lehman, Lierman, Pena-Melnyk, Reznik, Solomon, Stewart, and Terrasa**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Department of the Environment, Department of Transportation, and State**
3 **Highway Administration – Permits With Impact Studies – Hearings**

4 FOR the purpose of prohibiting the Department of the Environment, the Department of
5 Transportation, and the State Highway Administration from holding a certain public
6 hearing on a certain permit or issuing a certain permit unless a certain public
7 hearing is held; requiring a certain public hearing to be located within a certain
8 distance of the site for which a certain permit is being sought; requiring each State
9 agency or local jurisdiction involved with the permitting process to attend a certain
10 hearing and be available to answer certain questions; defining certain terms; and
11 generally relating to permits issued by the Department of the Environment, the
12 Department of Transportation, or the State Highway Administration.

13 BY adding to
14 Article – Environment
15 Section 1–6A–01 and 1–6A–02 to be under the new subtitle “Subtitle 6A. Permits
16 With Impact Studies”
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2019 Supplement)

19 BY adding to
20 Article – Transportation
21 Section 1–104
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Environment

SUBTITLE 6A. PERMITS WITH IMPACT STUDIES.

1-6A-01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “IMPACT STUDY” MEANS A STUDY EXAMINING THE CONSEQUENCES THAT MAY RESULT FROM A PROPOSED ACTIVITY.

(2) “IMPACT STUDY” INCLUDES STUDIES ON:

(I) ENVIRONMENTAL IMPACTS, INCLUDING AIR AND WATER QUALITY;

(II) NOISE IMPACTS; AND

(III) TRAFFIC IMPACTS.

(C) “LOCAL JURISDICTION” MEANS ANY COUNTY OR MUNICIPALITY OF THE STATE.

(D) “PERMIT” MEANS A PERMIT ISSUED BY THE DEPARTMENT, THE DEPARTMENT OF TRANSPORTATION, OR THE STATE HIGHWAY ADMINISTRATION FOR WHICH AN IMPACT STUDY IS REQUIRED.

(E) “STATE AGENCY” MEANS ANY PERMANENT OR TEMPORARY STATE OFFICE, DEPARTMENT, DIVISION OR UNIT, BUREAU, BOARD, COMMISSION, TASK FORCE, AUTHORITY, INSTITUTION, COLLEGE OR UNIVERSITY, AND ANY OTHER UNIT OF STATE GOVERNMENT, WHETHER EXECUTIVE, LEGISLATIVE, OR JUDICIAL.

1-6A-02.

(A) THE DEPARTMENT, THE DEPARTMENT OF TRANSPORTATION, OR THE STATE HIGHWAY ADMINISTRATION MAY NOT HOLD A PUBLIC HEARING ON THE ISSUANCE OF A PERMIT OR ISSUE A PERMIT UNLESS THE DEPARTMENT, THE DEPARTMENT OF TRANSPORTATION, OR THE STATE HIGHWAY ADMINISTRATION, AS APPROPRIATE, FIRST HOLDS A PUBLIC HEARING THAT MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE PUBLIC HEARING SHALL BE LOCATED WITHIN 10 MILES OF THE

1 SITE FOR WHICH THE PERMIT IS BEING SOUGHT.

2 (C) EACH STATE AGENCY OR LOCAL JURISDICTION THAT IS INVOLVED WITH
3 THE PERMITTING PROCESS, INCLUDING BY ISSUING THE PERMIT, REVIEWING THE
4 PERMIT, PROVIDING INPUT OR MAKING RECOMMENDATIONS ON THE PERMIT, AND
5 PROVIDING APPROVAL ON AN ASPECT OF THE PERMIT, SHALL ATTEND THE PUBLIC
6 HEARING AND BE AVAILABLE TO ANSWER QUESTIONS FROM THE PUBLIC.

7 Article – Transportation

8 1–104.

9 (A) (1) IN THIS SECTION, “IMPACT STUDY” MEANS A STUDY EXAMINING
10 THE CONSEQUENCES THAT MAY RESULT FROM A PROPOSED ACTIVITY.

11 (2) “IMPACT STUDY” INCLUDES STUDIES ON:

12 (I) ENVIRONMENTAL IMPACTS, INCLUDING AIR AND WATER
13 QUALITY;

14 (II) NOISE IMPACTS; AND

15 (III) TRAFFIC IMPACTS.

16 (B) THE DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION SHALL
17 MEET THE REQUIREMENTS OF § 1–6A–02 OF THE ENVIRONMENT ARTICLE BEFORE
18 HOLDING A PUBLIC HEARING ON THE ISSUANCE OF A PERMIT FOR WHICH AN IMPACT
19 STUDY IS REQUIRED OR ISSUING A PERMIT FOR WHICH AN IMPACT STUDY IS
20 REQUIRED.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2020.