



A Citizen's Guide to Informational Meetings and Public Hearings

Certain applications for air quality control permits to construct are subject to public review. Community associations, elected officials and interested persons can request an information meeting or public hearing. When an information meeting or a public hearing is requested, the company applying for the permit is required to participate. Meetings and hearings are held in a neutral setting in or near the community where the activity is taking place. Documents pertaining to the application are available to the public at a public library close to the proposed project and at Maryland Department of the Environment office.

Examples of Permits Subject to Public Participation

- Hot mix asphalt plants
- Crushing and screening operations of five tons or more per hour
- Incinerators of 2,000 pounds or more per hour and crematories
- Large storage tanks containing volatile organic compounds (VOCs), e.g., gasoline
- Sources with large fuel burning equipment, e.g., cement plants and steel mills

Notice of Application

The Department requires the applicant to publish a notice regarding the application in a newspaper of general circulation in the area of the proposed project. The notice provides for the opportunity for the public to request an information meeting within 10 days of publication of the notice. The Department also makes copies of the application and documents available to the public for inspection and copying at the Department and by placing the application at the reference desk of the local library. The application and documents are updated as the Department moves through the review process. The Department may also, at its own discretion, establish that a public meeting is warranted, at which point the applicant will be required to publish a notice stating the time and place of the meeting.

Information Meetings

The applicant is required to publish a notice of the scheduled meeting in a newspaper of general circulation in the area for two consecutive weeks.

The information meeting provides the public with the opportunity to learn about a company's proposed project and how ARMA works to ensure good air quality. To begin the meeting, the Department's facilitator welcomes the audience and makes a brief opening statement about the project, the Department's review process, and the format of the meeting. The facilitator then asks the company to tell the audience what the company does and what the proposed project is and what it will do. The company may use audio/visual presentations or provide handouts. When a company gives its presentation, it often answers questions citizens may have about the project. After the presentation, the audience is invited to ask questions of or state their concerns to the company or the Department.

Remember, information meetings are intended to address air quality issues and the audience is encouraged to ask pertinent questions, such as:

- What does the company produce?
- How is the product made?
- What is the new project and what will it do?
- What are the waste byproducts and how are they handled?
- What is the environmental impact from the project and how will the company control emissions?
- How does ARMA decide whether to issue or deny the permit?

Try to establish a rapport with representatives from the company. Ask the company to designate a contact person in the event more information is desired or needed. Determine whether a site visit would give perspective to the project and if the company is willing to provide a tour to a group of citizens. Often, a company wants to be a good neighbor and will be responsive to community concerns.

Public Hearings

After the information meeting, ARMA reviews the application and makes a tentative determination on whether the permit can be issued. The applicant will publish a notice regarding the tentative determination. After publication of the notice for an opportunity to request a public hearing, the public has 20 days to request a public hearing and 30 days to submit written comments. ARMA can also directly require that a public hearing be held.

Public hearings are intended to offer citizens the opportunity to comment on the Department's tentative determination regarding air quality permit applications. The Department's facilitator welcomes the audience and explains how the hearing will be conducted:

- First the company gives a brief presentation of the project
- The audience is given a reasonable amount of time to ask questions
- The formal hearing, which includes comments made by citizens, is recorded on audio tape or by a court stenographer

The period for the questions and discussion is limited to a reasonable time (because the public hearing is the second step of the public participation process).

The facilitator begins the hearing by welcoming the audience, introducing the Department's permit engineer and the applicant's representatives, and describing how the hearing will proceed. The facilitator describes for the audience what the proposed project is, when notification was published, how comments are responded to, and what the next step is in the public participation process.

The permit engineer then reads the tentative determination and fact sheet.

Members of the audience are invited to step up to the recorder, state their name and affiliation, if any, and make their comments. The hearing is not intended to be an information meeting. Once the hearing begins and goes on record, further questions and open discussion about the project are not permitted. First, elected officials are invited to make their comments. Then people who have indicated on the sign-in sheet that they wish to make a comment are invited one at a time to comment. Finally, anyone else wishing to comment is invited to do so. After all comments are taken at the hearing, the facilitator will announce how long the record will remain open for additional written comments.

After the Hearing

Any adverse comments are answered in writing in a document called the Response to Comments. If the Department does receive comments it deems adverse to the tentative determination, it will prepare a final determination as to whether to issue or deny the permit. Certain permit conditions may be modified in response to the comments received from the public. If the Department does not receive any comments considered adverse, the tentative determination is a final decision by the Department when the permit is issued or denied.

If a final determination is required to be prepared, the applicant must publish notice of the final determination in at least one newspaper of general circulation in the area of the proposed project. If a person wants to appeal the final determination, the person may request a contested case hearing within 15 days after publication of a notice of final determination. A contested case hearing is granted if the requesting party successfully demonstrates that he/she is aggrieved by the final determination and the final determination is legally inconsistent with applicable laws, or is based upon an incorrect determination of a relevant and material fact. A contested case hearing is a proceeding held before an administrative law judge from the State's Office of Administrative Hearings.

