
By: Chairman, Environmental Matters Committee (Departmental - Environment)

Introduced and read first time: January 16, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Landfills - Standards - Requirements for Security**

3 FOR the purpose of requiring the Maryland Department of the Environment to adopt
4 regulations governing financial assurance for sanitary landfills that accept municipal
5 solid waste and landfills that accept rubble; requiring that the regulations for
6 financial assurance be consistent with and not exceed certain federal regulations;
7 providing for the effective date and termination of certain regulations; requiring an
8 applicant for a permit for a sanitary landfill that accepts municipal solid waste and
9 a landfill that accepts construction and demolition waste to provide proof of
10 financial assurance in accordance with regulations adopted by the Department; and
11 generally relating to landfill systems.

12 BY repealing and reenacting, with amendments,
13 Article - Environment
14 Section 9-211(a)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1996 Supplement)

17 BY adding to
18 Article - Environment
19 Section 9-211.1
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 1996 Supplement)

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

24 **Article - Environment**

25 9-211.

26 (a) (1) Except FOR A SANITARY LANDFILL THAT IS SUBJECT TO § 9-211.1 OF
27 THIS SUBTITLE, AND as provided in paragraph (2) of this subsection, before the
28 Secretary issues a permit for a landfill, incinerator, or transfer station to any private
29 person, the applicant for the permit shall:

2

1 (i) File with the Department a bond on the form that the Department
2 provides; or

3 (ii) Deposit with the governing body of the local jurisdiction where the
4 landfill, incinerator, or transfer station will be located cash, negotiable bonds of the
5 federal government or this State, or any other security that the Department approves.

6 (2) The Secretary may adopt regulations to exempt any legitimate recycling
7 or reclamation facility from the requirements of this section.

8 9-211.1.

9 (A) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING
10 FINANCIAL ASSURANCE FOR SANITARY LANDFILLS THAT ACCEPT MUNICIPAL SOLID
11 WASTE AND LANDFILLS THAT ACCEPT RUBBLE.

12 (2) FOR MUNICIPAL SOLID WASTE LANDFILLS, THE REGULATIONS
13 SHALL BE CONSISTENT WITH AND MAY NOT EXCEED THE REQUIREMENTS OF
14 FEDERAL REGULATIONS GOVERNING FINANCIAL ASSURANCE (40 C.F.R. SECTION
15 258.70 THROUGH 258.74).

16 (3) A REGULATION ADOPTED UNDER THIS SECTION WHICH IS
17 APPLICABLE TO MUNICIPAL SOLID WASTE LANDFILLS MAY NOT TAKE EFFECT UNTIL
18 AFTER THE EFFECTIVE DATE OF FEDERAL REGULATIONS GOVERNING FINANCIAL
19 ASSURANCE ADOPTED PURSUANT TO 40 C.F.R. SECTION 258.70 THROUGH 258.74 AND
20 SHALL CEASE TO BE EFFECTIVE WHENEVER THOSE FEDERAL REGULATIONS ARE
21 SUSPENDED OR REPEALED.

22 (B) BEFORE THE SECRETARY ISSUES A PERMIT FOR A SANITARY LANDFILL,
23 THE APPLICANT FOR THE PERMIT SHALL PROVIDE PROOF OF FINANCIAL
24 ASSURANCE IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE
25 DEPARTMENT UNDER THIS SECTION.

26 (C) UNTIL THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER
27 SUBSECTION (A) OF THIS SECTION ARE EFFECTIVE, OR IF THOSE REGULATIONS
28 CEASE TO BE EFFECTIVE, SANITARY LANDFILLS THAT ACCEPT MUNICIPAL SOLID
29 WASTE AND LANDFILLS THAT ACCEPT RUBBLE SHALL COMPLY WITH THE
30 REQUIREMENTS OF § 9-211 OF THIS SUBTITLE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 June 1, 1997.