

SENATE BILL 136

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M3

2000 Regular Session
(01r0140)

ENROLLED BILL

-- *Economic and Environmental Affairs/Environmental Matters* --

Introduced by **Chairman, Economic and Environmental Affairs Committee**
(Departmental - Environment)

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 235

1 AN ACT concerning

2 **State Used Tire Cleanup and Recycling Fund – Reinstatement of Fee and**
3 **Permissible Uses of Fund**

4 FOR the purpose of ~~altering~~ clarifying the permissible uses of the State Used Tire
5 Cleanup and Recycling Fund; altering a certain reporting date for a certain
6 report; exempting under certain circumstances certain persons from the
7 requirement that certain expenditures from the fund be reimbursed to the
8 Department of the Environment; eliminating the repeal of certain provisions
9 relating to the used tire recycling fee and the Fund; altering the amount of the
10 used tire recycling fee; altering the maximum amount of the Fund; repealing a
11 delayed effective date related to the used tire recycling fee and the Fund;
12 requiring the Department of the Environment to accelerate the expenditure of
13 certain funds for certain purposes and include certain information in the annual
14 report on the Fund; providing for the effective date of certain sections of this Act;
15 providing for the termination of certain sections of this Act; and generally
16 relating to the State Used Tire Cleanup and Recycling Fund.

1 BY repealing and reenacting, with amendments,
 2 Article - Environment
 3 Section 9-228(g)(2), 9-274(b), 9-275, and 9-276
 4 Annotated Code of Maryland
 5 (1996 Replacement Volume and 1999 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Chapter 627 of the Acts of the General Assembly of 1997
 8 Section 3

9 BY repealing
 10 Chapter 627 of the Acts of the General Assembly of 1997
 11 Section 2

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

14 **Article - Environment**

15 9-228.

16 (g) (2) The tire recycling fee:

17 (i) May not exceed [\$1.00] 40 CENTS per tire; and

18 (ii) Shall be established by the Board of Public Works.

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

21 **Article - Environment**

22 9-274.

23 (b) (1) The Fund is limited to a maximum of [\$15,000,000] \$10,000,000.

24 (2) If the sum of unallocated funds in the Fund and the projected fees for
 25 the next fiscal year exceeds [\$15,000,000,] \$10,000,000, the Board of Public Works shall
 26 adjust the fees for the next fiscal year on a pro rata basis so that the sum of unallocated
 27 and actual fees does not exceed [\$15,000,000] \$10,000,000.

28 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 29 read as follows:

1 Article - Environment

2 9-275.

3 (a) Subject to the appropriation process in the annual operating budget, the
4 Department shall use the State Used Tire Cleanup and Recycling Fund solely:

5 (1) For removal, restoration, emergency, or remedial action, including
6 the restoration of natural resources where feasible, site maintenance and monitoring,
7 and fire cessation, if requested by a local government, not to exceed \$100,000 for each
8 fire cessation emergency action in that jurisdiction, in response to the disposal or
9 storage of scrap tires in violation of this subtitle, including:

10 (i) All costs incurred by the State in inspecting and monitoring any
11 site where scrap tires are processed, stored, or disposed of in violation of this subtitle
12 and assessing the threat to the public health and the environment of the site, the
13 costs of investigations conducted for the purpose of defining necessary remedial
14 action, and the costs of litigation expenses incurred in obtaining reimbursement for
15 expenditures; and

16 (ii) All costs incurred in providing public information concerning a
17 site where scrap tires are processed, stored, or disposed of; [and]

18 (2) ~~FOR ACTIVITIES RELATED TO WATER QUALITY IMPROVEMENT~~
19 ~~SCRAP TIRE RECYCLING PROGRAMS, INCLUDING RESTORATION, REMEDIATION,~~
20 ~~RESEARCH, PLANNING, MONITORING, AND REMOVAL OF NUTRIENTS AT PUBLICLY~~
21 ~~OWNED SEWAGE TREATMENT WORKS IN ACCORDANCE WITH SUBSECTION (C) OF~~
22 ~~THIS SECTION PUBLIC EDUCATION, AND MARKET DEVELOPMENT, AND FOR~~
23 ~~ASSOCIATED ADMINISTRATIVE COSTS; AND~~

24 [(2)] (3) With the approval of the board of public works, to provide
25 financial assistance:

26 (i) Through the service for projects approved by the Department to
27 reduce, recover, and recycle scrap tires; and

28 (ii) To the service for costs related to the implementation of scrap
29 tire recycling systems, including the costs of:

30 1. Preparation of a scrap tire recycling system under §
31 9-228(e) of this subtitle;

32 2. Implementation of any program established by the service
33 as a part of a scrap tire recycling system; and

34 3. Assisting in funding the establishment of a private or
35 public scrap tire collection, processing, or recycling facility.

36 (b) Subject to § 2-1246 of the State Government Article, the Department shall
37 provide the standing committees of the Maryland General Assembly with primary

1 jurisdiction over this section with a status report on the Fund on or before [July]
 2 NOVEMBER 1 of each year. The report shall include an accounting of all moneys
 3 expended for each of the purposes specified in subsection (a) of this section.

4 ~~(C) (1) FOR FISCAL YEARS 2001, 2002, AND 2003, THE FUND MAY BE USED FOR~~
 5 ~~REMOVAL OF NUTRIENTS AT PUBLICLY OWNED SEWAGE TREATMENT WORKS AS~~
 6 ~~FOLLOWS:~~

7 ~~(I) FOR FISCAL YEAR 2001, UP TO \$5,000,000;~~

8 ~~(II) FOR FISCAL YEAR 2002, UP TO \$3,000,000; AND~~

9 ~~(III) FOR FISCAL YEAR 2003, UP TO \$1,000,000.~~

10 ~~(2) ANY MONEYS EXPENDED FROM THE FUND UNDER THIS SUBSECTION~~
 11 ~~SHALL BE ADMINISTERED IN ACCORDANCE WITH §§ 9-345 THROUGH 9-351 OF THIS~~
 12 ~~TITLE.~~

13 9-276.

14 (a) [All] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, ALL
 15 expenditures from the State Used Tire Cleanup and Recycling Fund made by the
 16 Department under § 9-275(a)(1) of this subtitle in response to the storage or disposal
 17 of used tires at a particular site shall be reimbursed to the Department for the State
 18 Used Tire Cleanup and Recycling Fund by the owner or operator of the site or any
 19 other person who caused the tires to be stored or disposed of at the site in violation of
 20 this subtitle.

21 (b) In addition to any other legal action authorized by this subtitle, the
 22 Attorney General may bring an action to recover costs and interest from any person
 23 who fails to make reimbursement as required under subsection (a) of this section.

24 (c) The Department may recover costs incurred by the Department under §
 25 9-275(a)(1) of this subtitle whether or not the discarded tires were disposed of or
 26 stored at the site before July 1, 1989.

27 (D) THIS SECTION DOES NOT APPLY TO EXPENDITURES OF \$10,000 OR LESS
 28 RELATED TO REMOVAL, RESTORATION, OR REMEDIAL ACTION IN RESPONSE TO THE
 29 DISPOSAL OR STORAGE OF SCRAP TIRES IN VIOLATION OF THIS SUBTITLE IF:

30 (1) THE OWNER OF THE SITE ACQUIRED THE PROPERTY CONTAINING
 31 THE SCRAP TIRES PRIOR TO JANUARY 1, 2000 BY INHERITANCE OR BEQUEST AT THE
 32 DEATH OF THE TRANSFEROR; AND

33 (2) THE TIRES WERE STORED OR DISPOSED OF AT THE SITE PRIOR TO
 34 JANUARY 1, 2000.

1

Chapter 627 of the Acts of 1997

2 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
3 take effect October 1, 1997[, and Section 2 of this Act shall take effect July 1, 2000].

4 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That Section(s) 2 of Chapter
5 627 of Acts of the General Assembly of 1997 be repealed.

6 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That the Department of the
7 Environment shall:

8 (a) accelerate the expenditure of funds in the State Used Tire Cleanup and
9 Recycling Fund in accordance with § 9-275 of the Environment Article. Accelerated
10 expenditures from the Fund shall include expenditures for:

11 (1) cleaning up the remaining illegal scrap tire stockpiles;

12 (2) in conjunction with the Maryland Environmental Service,
13 implementing scrap tire projects that are undertaken to promote the development of
14 new technologies for recycling scrap tires and to reduce, recover, and recycle scrap
15 tires; and

16 (3) expanding the scrap tire recycling system on a regional basis to
17 provide additional processing and recycling capacity to manage more effectively the
18 ongoing generation of tires; and

19 (b) in the annual status report on the State Used Tire Cleanup and Recycling
20 Fund required under § 9-275(b) of the Environment Article, include an accounting of
21 all moneys expended for each of the purposes specified in this section.

22 SECTION 6. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
23 take effect July 1, 2000. It shall remain effective for a period of 4 years and, at the end
24 of June 30, 2004, with no further action required by the General Assembly, Section 1 of
25 this Act shall be abrogated and of no force and effect.

26 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
27 take effect December 31, 2000.

28 SECTION ~~3~~ 4 ~~8~~. AND BE IT FURTHER ENACTED, That except as provided in
29 Section 7 of this Act, this Act shall take effect July 1, 2000.