
By: **Delegates Branch, V. Jones, Dypski, Harrison, C. Davis, Doory, Marriott, Oaks, Dobson, Hammen, Krysiak, Gladden, Phillips, Fulton, Montague, Hubers, Burns, and A. Jones**

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Committee Report: Favorable with amendments
House action: Adopted
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CHAPTER 82

1 AN ACT concerning

2 **Scrap Tires - Disposal - Penalties**

3 FOR the purpose of prohibiting the disposal of scrap tires except in a certain manner;
4 providing certain criminal ~~and civil~~ penalties in addition to certain other
5 penalties for persons who violate certain scrap tire procedures; requiring the
6 Attorney General to take certain actions; ~~allowing the Department of the~~
7 ~~Environment to assess certain penalties and take certain enforcement actions;~~
8 and generally relating to the disposal of scrap tires.

9 BY repealing and reenacting, without amendments,
10 Article - Environment
11 Section 9-228(a)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Environment
16 Section 9-228(f) ~~and 9-268~~
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2000 Supplement)

19 BY adding to
20 Article - Environment
21 Section ~~9-267.1~~ 9-268.1

1 Annotated Code of Maryland
2 (1996 Replacement Volume and 2000 Supplement)

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

5 **Article - Environment**

6 9-228.

7 (a) In this section, "approved facility" means a facility located in or outside of
8 the State for collecting, recycling, or otherwise processing scrap tires that is approved
9 or licensed by the Department in accordance with regulations adopted by the
10 Department.

11 (f) (1) (I) Except as provided in [paragraph (2) of this subsection]
12 SUBPARAGRAPH (II) OF THIS PARAGRAPH, after January 1, 1994 scrap tires may not
13 be disposed of in a landfill.

14 [(2)] (II) The Secretary may waive the requirements of [paragraph (1) of
15 this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH under such terms and
16 conditions and for such periods as the Department considers appropriate if the
17 Department determines that a scrap tire recycling system:

18 [(i)] 1. Does not exist; or

19 [(ii)] 2. Has insufficient capacity to accommodate the amount of
20 scrap tires generated in the State.

21 (2) A PERSON MAY NOT DISPOSE OF SCRAP TIRES EXCEPT THROUGH A
22 LICENSED SCRAP TIRE HAULER OR BY DELIVERING THE TIRES TO AN APPROVED
23 FACILITY.

24 ~~9-267.1. 9-268.1.~~

25 ~~(A) (1) A PERSON WHO VIOLATES § 9-228 OF THIS SUBTITLE, OR A
26 REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER § 9-228 OF THIS
27 SUBTITLE IS SUBJECT TO THE PENALTIES PROVIDED IN THIS SUBSECTION.~~

28 (A) IN ADDITION TO OTHER PENALTIES AUTHORIZED UNDER THIS SUBTITLE:

29 ~~(2)~~ (1) A PERSON WHO VIOLATES § 9-228(F)(2) OF THIS SUBTITLE IS
30 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
31 EXCEEDING \$1,000, OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH;

32 ~~(3)~~ (2) A PERSON WHO VIOLATES § 9-228(F)(2) OF THIS SUBTITLE FOR
33 MONETARY OR FINANCIAL GAIN IS GUILTY OF A MISDEMEANOR AND ON
34 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT NOT
35 EXCEEDING 5 YEARS OR BOTH; AND

1 (4) (3) A PERSON WHO VIOLATES § 9-228(B), (H)(1), (I)(1), OR (J)(1) OF
2 THIS SUBTITLE, OR A REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER
3 § 9-228(B), (H)(1), (I)(1), OR (J)(1) OF THIS SUBTITLE, IS GUILTY OF A MISDEMEANOR
4 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.

5 (B) ~~THE DEPARTMENT MAY BRING AN ACTION TO ENJOIN A PERSON WHO~~
6 ~~VIOLATES ANY PROVISION OF § 9-228 OF THIS SUBTITLE OR A REGULATION, ORDER,~~
7 ~~OR PERMIT ADOPTED OR ISSUED BY THE DEPARTMENT UNDER § 9-228 OF THIS~~
8 ~~SUBTITLE.~~

9 (C) ~~A PERSON WHO VIOLATES § 9-228 OF THIS SUBTITLE OR A REGULATION,~~
10 ~~ORDER, OR PERMIT ADOPTED OR ISSUED UNDER § 9-228 OF THIS SUBTITLE IS LIABLE~~
11 ~~FOR A CIVIL PENALTY NOT EXCEEDING \$10,000, TO BE COLLECTED IN A CIVIL ACTION~~
12 ~~BROUGHT BY THE DEPARTMENT. EACH DAY A VIOLATION OCCURS IS A SEPARATE~~
13 ~~VIOLATION UNDER THIS SUBSECTION.~~

14 (D) (1) ~~A PERSON ACCUSED OF A VIOLATION MAY WAIVE AN OPPORTUNITY~~
15 ~~FOR A HEARING UNDER THIS SUBSECTION IN WRITING.~~

16 (2) ~~THE DEPARTMENT MAY IMPOSE A PENALTY FOR A VIOLATION OF §~~
17 ~~9-228 OF THIS SUBTITLE OR A REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED~~
18 ~~UNDER § 9-228 OF THIS SUBTITLE.~~

19 (3) ~~THE PENALTY IMPOSED ON A PERSON UNDER THIS SUBSECTION~~
20 ~~SHALL BE:~~

21 (I) ~~UP TO \$1,000 FOR EACH VIOLATION, BUT NOT EXCEEDING~~
22 ~~\$50,000 TOTAL; AND~~

23 (H) ~~ASSESSED WITH CONSIDERATION GIVEN TO:~~

24 1. ~~THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO~~
25 ~~WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO BUT UNCORRECTED BY~~
26 ~~THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED~~
27 ~~REASONABLE CARE;~~

28 2. ~~ANY ACTUAL HARM TO THE ENVIRONMENT OR TO HUMAN~~
29 ~~HEALTH;~~

30 3. ~~THE COST OF CLEANUP AND THE COST OF RESTORATION~~
31 ~~OF NATURAL RESOURCES;~~

32 4. ~~THE NATURE AND DEGREE OF INJURY TO OR~~
33 ~~INTERFERENCE WITH GENERAL WELFARE, HEALTH, AND PROPERTY;~~

34 5. ~~THE EXTENT TO WHICH THE LOCATION OF THE~~
35 ~~VIOLATION CREATES THE POTENTIAL FOR HARM TO THE ENVIRONMENT OR TO~~
36 ~~HUMAN HEALTH OR SAFETY;~~

