
By: ~~Delegates Costa, V. Clagett, and McConkey~~ McConkey, and Glassman

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Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2004

CHAPTER 191

1 AN ACT concerning

2 **Environment - ~~Sanitary Landfills - Bonds~~**

3 FOR the purpose of altering the amount of the bond for each acre to which a certain
4 ~~sanitary~~ landfill permit applies; altering the amount of the minimum ~~security~~
5 ~~bond~~ required for certain ~~sanitary~~ landfills; ~~altering the term of the postclosure~~
6 ~~period for certain sanitary landfills during which bonds must remain on deposit;~~
7 ~~repealing the authority of the Department of the Environment to release certain~~
8 ~~security before the end of a certain term; requiring the Department to have~~
9 ~~access to certain land for a certain period of time for certain purposes; requiring~~
10 ~~new owners of certain land to allow the Department access to the land under~~
11 ~~certain circumstances; providing that a certain postclosure period begins at a~~
12 ~~certain time, as determined by the Department; and generally relating to~~
13 ~~sanitary~~ landfills.

14 BY repealing and reenacting, with amendments,
15 Article - Environment
16 Section 9-211 ~~and 9-215~~
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2003 Supplement)

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

1

Article - Environment

2 9-211.

3 (a) (1) Except for a sanitary landfill that is subject to § 9-211.1 of this
4 subtitle, and as provided in paragraph (2) of this subsection, before the Secretary
5 issues a permit for a landfill, incinerator, or transfer station to any private person, the
6 applicant for the permit shall:

7 (i) File with the Department a bond on the form that the
8 Department provides; or

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

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

15 (b) (1) The obligation of a bond filed under this section shall be so
16 conditioned as to be void on the closing of the landfill, incinerator, or transfer station
17 in a manner that prevents erosion, health and safety hazards, nuisances, and
18 pollution.

19 (2) The local governing body that receives a deposit of cash or other
20 security under this section shall hold the security in trust in the name of the local
21 jurisdiction to assure the closing of the landfill, incinerator, or transfer station in a
22 manner that prevents erosion, health and safety hazards, nuisances, and pollution.

23 (c) A bond filed under this section shall be payable to the governing body of
24 the political subdivision where the landfill, incinerator, or transfer station will be
25 located.

26 (d) (1) Except as provided in paragraph (3) of this subsection, for a landfill:

27 (i) A UNLESS OTHERWISE REQUIRED BY FEDERAL LAW OR
28 REGULATION, A bond filed under this section shall be in the amount of ~~\$5,000~~ \$10,000
29 for each acre of land to which the permit applies, but not less than ~~\$125,000~~ \$250,000;

30 (ii) Cash deposited under this section shall be not less than the
31 amount specified in paragraph (1)(i) of this subsection; and

32 (iii) The market value of other security deposited under this section
33 shall be not less than the amount specified in paragraph (1)(i) of this subsection.

34 (2) For an incinerator or transfer station, the Department shall establish
35 the amount of the security required by this section.

36 (3) (i) This paragraph does not apply to a rubble landfill.

1 (ii) For sanitary landfills that are restricted to acceptance of land
2 clearing debris specified in regulations of the Department, a bond filed under this
3 section shall be in the amount of ~~[\$2,000]~~~~\$3,000~~ for each acre of land to which the
4 permit applies, with a minimum amount of security of ~~[\$25,000]~~~~\$50,000~~.

5 (e) Both the applicant for a permit and a corporate surety licensed to do
6 business in this State shall execute any bond filed under this section.

7 (f) ~~{(1)}~~ Except as provided in paragraph (2) of this subsection, the ~~+~~~~THE~~
8 term of any bond filed under this section and the time during which cash or other
9 security must remain on deposit under this section is:

10 ~~{(i)}~~ ~~(1)~~ The duration of the operation of the landfill, incinerator,
11 or transfer station; and

12 ~~{(ii)}~~ ~~(2)~~ An additional ~~{5}~~~~10~~ years after the closing of the landfill,
13 incinerator, or transfer station.

14 ~~{(2)}~~ If the Department has assurances that the landfill, incinerator, or
15 transfer station has been closed in a manner that prevents erosion, health and safety
16 hazards, nuisances, and pollution, the Department may release the security filed or
17 deposited under this section before the end of the 5-year period specified in
18 paragraph (1)(ii) of this subsection.

19 (g) (1) The obligation of the holder of a permit for a landfill, incinerator, or
20 transfer station and of any corporate surety under the bond shall become due and
21 payable and any cash, securities, or bond proceeds shall be applied to payment of the
22 costs of properly closing a landfill, incinerator, or transfer station only if the
23 Department:

24 (i) Notifies the permit holder and any corporate surety on the bond
25 that the landfill, incinerator, or transfer station has not been closed in a manner that
26 prevents erosion, health and safety hazards, nuisances, and pollution;

27 (ii) Specifies in the notice the deficiencies in the closing that must
28 be corrected;

29 (iii) Gives the permit holder and the corporate surety a reasonable
30 opportunity to correct the deficiencies and to close the landfill, incinerator, or transfer
31 station in accordance with the regulations of the Department; and

32 (iv) Authorizes the local governing body to close the landfill,
33 incinerator, or transfer station in accordance with the regulations of the Department.

34 (2) The local governing body shall use bond proceeds, cash, or the
35 proceeds of other security to pay the cost of properly closing the landfill, incinerator,
36 or transfer station.

1 9-215.

2 (a) When landfill operations end, the holder of a permit issued under this
3 subtitle for a landfill system shall close and cover all of the land for which the permit
4 was issued in a manner that prevents:

- 5 (1) Erosion;
- 6 (2) Health and safety hazards;
- 7 (3) Nuisances; and
- 8 (4) Pollution.

9 (B) (1) ~~THE DEPARTMENT SHALL HAVE ACCESS TO THE LAND ON WHICH~~
10 ~~LANDFILL OPERATIONS HAVE ENDED TO MAKE PERIODIC GROUNDWATER~~
11 ~~MONITORING AND HEALTH AND SAFETY INSPECTIONS OF THE CAPPING AND~~
12 ~~CLOSURE FOR A PERIOD OF 10 YEARS BEYOND THE 10-YEAR POSTCLOSURE~~
13 ~~MONITORING TERM.~~

14 (2) ~~IF THE LANDFILL IS SOLD AT ANY TIME DURING THE POSTCLOSURE~~
15 ~~PERIOD, THE NEW OWNER SHALL PROVIDE ACCESS TO THE DEPARTMENT FOR~~
16 ~~MONITORING AND HEALTH AND SAFETY INSPECTIONS OF THE CAPPING AND~~
17 ~~CLOSURE.~~

18 (3) ~~THE 10-YEAR POSTCLOSURE PERIOD BEGINS IMMEDIATELY ON THE~~
19 ~~STABILIZATION OF THE CAPPING PROCESS, AS DETERMINED BY THE DEPARTMENT.~~

20 ~~{(b)}~~ (C) The Department shall adopt regulations that set standards for the
21 closing and covering of landfill systems.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2004.