

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 807

(Delegate Frush, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Environment - Landfill Operator - Completion of Training Course

This bill requires an individual to provide evidence of successful completion of a landfill management training course approved by the Maryland Department of the Environment (MDE) to MDE before operating a landfill. MDE may adopt regulations to implement the bill.

Fiscal Summary

State Effect: Although MDE workloads increase significantly, the bill can be implemented with existing resources. Nonbudgeted expenditures increase minimally for the Maryland Environmental Service (MES) for training costs for landfill operators. Revenues are not affected.

Local Effect: Local government expenditures increase for operators of local landfills to complete the required training; although any such increase cannot be estimated at this time, it is not anticipated to be significant. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Current Law: Landfill operators are not licensed by MDE. However, a person must have a permit issued by MDE before installing, materially altering, or materially extending a “refuse disposal system.” A refuse disposal system includes an incinerator, a transfer station, a landfill system, a landfill, a solid waste processing facility, and any other solid waste acceptance facility. MDE may not issue a permit to install, materially alter, or materially extend a refuse disposal system until (1) it has completed its technical review; (2) it has reported the findings of the review to the affected county; and (3) the county has completed its review of the proposed refuse disposal system and has provided

to MDE a written statement that it meets all applicable county zoning and land use requirements and is in conformity with the county solid waste plan.

Current regulations establish minimum operating procedures for landfills relating to, among other things, unloading solid waste, spreading and compacting solid waste, cover material, environmental protection, fire protection, and the supervision of a landfill. Current regulations require that adequate personnel, including a supervisor, be maintained at all times during landfill operation.

MDE must order the owner or person in charge of a refuse disposal system to correct the following improper conditions, if, after investigation, it is determined that, because of incompetent supervision or inefficient operation, the refuse disposal system is (1) not producing reasonable results from a sanitary viewpoint; (2) a menace to health or comfort; or (3) causing a nuisance. If the refuse disposal system does not produce the required results within a period of time set by MDE, the owner or person in charge may be required to appoint a person approved by MDE to take charge of and operate the system in a manner that will secure the results demanded by the Secretary.

Background: Of the 14 states that responded to a 2012 survey by MDE on landfill operator certification requirements, 11 states required certification, with 5 states issuing a license, 4 states relying on third-party certification, 1 state issuing a joint public-private license, and 1 state allowing certification from the state or a third-party issuer. MDE advises that states that require operator licensure or certification tend to have many privately owned landfills, whereas there are a relatively small number of landfills in Maryland, most of which are operated by local governments.

MDE advises that national landfill operator certification programs for commercial landfill operators differ from Maryland regulations. For example, State requirements pertaining to earthmoving, grading, drainage, sediment and erosion control, and similar activities are different from the requirements in other states and the national certifications.

Local Expenditures: Local expenditures increase for operators of locally owned landfills to complete the required training courses. However, the increase in local expenditures is not anticipated to be significant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Carroll, Harford, Montgomery, and Queen Anne's counties; City of Bowie; Maryland Department of the Environment; North East Maryland Waste Disposal Authority; Department of Legislative Services

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