

---

**By: Delegate Owings**

Introduced and read first time: February 22, 1996

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Rubble Landfill Remediation Trust Fund**

3 FOR the purpose of establishing a Rubble Landfill Remediation Trust Fund; providing  
4 for the application of this Act; requiring that owners of rubble landfills pay a certain  
5 fee by a certain date; restricting the amount of the annual fee per rubble landfill  
6 site; requiring that the fee be paid into the Fund; specifying the use of the Fund;  
7 authorizing the Secretary, with the approval of the Board of Public Works, to award  
8 a grant to cover certain remediation costs; authorizing the Department to adopt  
9 certain regulations; requiring that the regulations establish certain procedures and  
10 criteria for applying for and awarding certain grants; requiring grant recipients to  
11 provide certain documentation; specifying the contents of a grant agreement;  
12 providing that certain proceeds be deposited into the Fund; restricting the  
13 aggregate amount of grants awarded to a single applicant within a calendar year;  
14 specifying the use of certain proceeds; requiring that an eligible applicant for a  
15 grant be in compliance with certain laws and regulations; and generally relating to a  
16 Rubble Landfill Remediation Trust Fund.

17 BY adding to

18 Article - Environment  
19 Section 9-280 through 9-287, inclusive, to be under the new part "Part VII. Rubble  
20 Landfill Remediation Trust Fund"  
21 Annotated Code of Maryland  
22 (1993 Replacement Volume and 1995 Supplement)

23 Preamble

24 WHEREAS, The State has a two-tier disposal system for construction and  
25 demolition waste that provides safe, low cost disposal options while preserving scarce  
26 sanitary landfill space; and

27 WHEREAS, There are currently no known environmental problems resulting from  
28 permitted rubble landfills in the State; and

29 WHEREAS, Proposed regulations from the Maryland Department of Environment  
30 requiring plastic liners and leachate collection systems at rubble landfills are more  
31 stringent than required by the U.S. Environmental Protection Agency; and

2

1 WHEREAS, The proposed regulations undermine the State's two-tiered disposal  
2 system and result in onerous financial implications for the business and economic  
3 community in the State; and

4 WHEREAS, It is necessary that the State provide a means of assistance for  
5 environmental remediation at rubble landfills; now, therefore,

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

8 **Article - Environment**

9 PART VII. RUBBLE LANDFILL REMEDIATION TRUST FUND.

10 9-280.

11 (A) THERE IS A RUBBLE LANDFILL REMEDIATION TRUST FUND.

12 (B) THE FUND IS A CONTINUING, NONLAPSING FUND.

13 9-281.

14 THE PROVISIONS OF THIS PART DO NOT APPLY TO RUBBLE LANDFILLS OWNED  
15 BY THE STATE OR A COUNTY OR MUNICIPAL GOVERNMENT.

16 9-282.

17 (A) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE OWNER OF A RUBBLE  
18 LANDFILL OPERATED IN THE STATE SHALL PAY AN ANNUAL FEE TO THE  
19 DEPARTMENT.

20 (B) THE DEPARTMENT SHALL SET THE ANNUAL FEE NOT TO EXCEED \$5,000  
21 PER RUBBLE LANDFILL SITE.

22 (C) THE FEES RECEIVED UNDER THIS SECTION SHALL BE PAID INTO THE  
23 FUND.

24 9-283.

25 THE FUND MAY BE USED TO PAY COSTS FOR ENVIRONMENTAL REMEDIATION  
26 OF CONTAMINATION IN EXCESS OF PERMITTED LEVELS AT A RUBBLE LANDFILL  
27 THAT IS NO LONGER OPERATED AS A RUBBLE LANDFILL BY THE PREVIOUS PERMIT  
28 HOLDER BECAUSE OF AN APPROVED CLOSURE PLAN OR AN EXPIRED RESTORATION  
29 BOND.

30 9-284.

31 WITH THE APPROVAL OF THE BOARD OF PUBLIC WORKS, THE SECRETARY MAY  
32 AWARD A GRANT TO A RUBBLE LANDFILL OWNER TO COVER THE COSTS OF:

33 (1) REMEDIATION IN ACCORDANCE WITH REQUIREMENTS ADOPTED  
34 BY THE DEPARTMENT; AND

35 (2) SITE ASSESSMENT AFTER THE COMPLETION OF REMEDIATION TO  
36 DETERMINE ELIGIBILITY FOR INSURANCE, NOT EXCEEDING \$50,000.

3

1 9-285.

2 (A) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE  
3 PROVISIONS OF THIS PART.

4 (B) (1) THE REGULATIONS SHALL ESTABLISH APPLICATION PROCEDURES  
5 AND CRITERIA FOR AWARDING GRANTS IN ACCORDANCE WITH § 9-283 OF THIS  
6 SUBTITLE.

7 (2) THE CRITERIA SHALL PROVIDE THE BASIS FOR PROJECT PRIORITY  
8 RANKING, INCLUDING:

9 (I) THE FINANCIAL CONDITION OF THE PREVIOUS OPERATOR OF  
10 THE RUBBLE LANDFILL;

11 (II) PREVIOUS EFFORTS EXPENDED TO CORRECT EXISTING  
12 ENVIRONMENTAL PROBLEMS AND TO MAINTAIN COMPLIANCE WITH STATE AND  
13 FEDERAL REGULATIONS;

14 (III) MEASURES TO ASSURE ACCOUNTABILITY FOR FUNDS  
15 AWARDED UNDER § 9-283 OF THIS SUBTITLE; AND

16 (IV) OTHER REASONABLE CRITERIA THAT THE SECRETARY  
17 CONSIDERS APPROPRIATE.

18 (C) THE REGULATIONS SHALL REQUIRE THE GRANT RECIPIENT TO PROVIDE  
19 THE DEPARTMENT WITH DOCUMENTATION THAT THE PROCEEDS OF THE GRANT  
20 WERE APPLIED IN ACCORDANCE WITH § 9-285 OF THIS SUBTITLE AND THE GRANT  
21 AGREEMENT.

22 9-286.

23 (A) (1) A GRANT AGREEMENT SHALL CONTAIN THE CONDITIONS THAT THE  
24 SECRETARY REQUIRES TO ACHIEVE THE PURPOSES OF THIS PART AND TO PROTECT  
25 THE INTERESTS OF THE STATE.

26 (2) A GRANT AGREEMENT SHALL CONTAIN PROVISIONS THAT  
27 AUTHORIZE THE SECRETARY TO RECALL THE GRANT AND REQUIRE THAT ANY  
28 AMOUNT OF FINANCIAL ASSISTANCE PROVIDED UNDER THIS PART BE RETURNED  
29 TO THE STATE UNDER TERMS ESTABLISHED BY THE SECRETARY, IF THE  
30 SECRETARY DETERMINES THAT:

31 (I) THE GRANT RECIPIENT FAILS TO REMAIN IN COMPLIANCE  
32 WITH ANY LAW OR REGULATION GOVERNING THE MAINTENANCE, OPERATION, OR  
33 USE OF RUBBLE LANDFILLS; OR

34 (II) THE PROCEEDS OF THE GRANT HAVE BEEN USED FOR AN  
35 UNAUTHORIZED PURPOSE.

36 (3) PROCEEDS RETURNED TO THE STATE UNDER THIS SECTION SHALL  
37 BE DEPOSITED IN THE FUND.

38 (B) THE AGGREGATE OF ALL GRANTS AWARDED IN ACCORDANCE WITH THIS  
39 PART TO A SINGLE APPLICANT IN A CALENDAR YEAR MAY NOT EXCEED \$100,000

4

1 UNLESS THE SECRETARY DETERMINES THAT EXTRAORDINARY CIRCUMSTANCES  
2 EXIST.

3 (C) THE PROCEEDS OF A GRANT MAY BE APPLIED TO THE COSTS OF  
4 DEVELOPING PLANS AND SPECIFICATIONS, EQUIPMENT, CONSTRUCTION, AND SITE  
5 ASSESSMENT RELATED TO THE REMEDIATION EFFORTS.

6 9-287.

7 AN ELIGIBLE APPLICANT FOR A GRANT UNDER THIS PART MUST BE IN  
8 SUBSTANTIAL COMPLIANCE WITH ALL STATE AND FEDERAL LAWS AND  
9 REGULATIONS GOVERNING THE MAINTENANCE, OPERATION, AND USE OF RUBBLE  
10 LANDFILLS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 July 1, 1996.