
By: ~~Senator Sfikas~~ Senators Sfikas, McFadden, and Stone

Introduced and read first time: February 1, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 26, 1996

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City - ~~Incinerator Installation~~ Incinerators - Authority to Prohibit**

3 [TAG ftpo]FOR the purpose of ~~authorizing~~ clarifying the authority of Baltimore City to prohibit the
4 ~~installation, alteration, or extension of an incinerator~~ construction, reconstruction,
5 replacement, and expansion of certain incinerators in Baltimore City; providing a
6 certain exception; providing that certain authority does not abrogate the
7 responsibility of any person to comply with State and federal laws; requiring the
8 Department of the Environment to report to the General Assembly on the impact of
9 this Act on counties participating in the Northeast Waste Disposal Authority;
10 providing for the termination of this Act; and generally relating to incinerators in
11 Baltimore City.

12 BY repealing and reenacting, without amendments,

13 Article - Environment

14 Section 9-201(e) and 9-204(d)

15 Annotated Code of Maryland

16 (1993 Replacement Volume and 1995 Supplement)

17 BY adding to

18 Article - Environment

19 Section 9-204(j)

20 Annotated Code of Maryland

21 (1993 Replacement Volume and 1995 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Environment**

2 9-201.

3 (e) "Refuse disposal system" includes:

4 (1) An incinerator;

5 (2) A transfer station;

6 (3) A landfill system;

7 (4) A landfill;

8 (5) A solid waste processing facility; and

9 (6) Any other solid waste acceptance facility.

10 9-204.

11 (d) A person shall have a permit issued by the Secretary under this section before
12 the person installs, materially alters, or materially extends a water supply system,
13 sewerage system, or refuse disposal system.

14 (J) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
15 SUBSECTION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BALTIMORE
16 CITY MAY PROHIBIT THE INSTALLATION, ALTERATION, OR EXTENSION
17 CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, AND EXPANSION OF AN
18 INCINERATOR IN BALTIMORE CITY THAT WAS NOT OPERATING AS A RESOURCE
19 RECOVERY FACILITY ON JANUARY 1, 1996.

20 (2) THE AUTHORITY TO PROHIBIT RECONSTRUCTION UNDER
21 PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE INSTALLATION OF
22 POLLUTION CONTROL MEASURES.

23 (3) NOTHING IN THIS SUBSECTION SHALL ABROGATE THE
24 RESPONSIBILITY OF ANY PERSON TO COMPLY WITH STATE OR FEDERAL LAWS.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the
26 Environment shall report to the General Assembly not later than January 1, 1999, in
27 accordance with § 2-1312 of the State Government Article, on the impact of this Act on
28 the counties participating in the Northeast Waste Disposal Authority.

29 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1996. It shall remain effective for a period of four years and, at the end of
31 September 30, 2000, with no further action required by the General Assembly, this Act
32 shall be abrogated and of no further force and effect.

