
By: Chairman, Environmental Matters Committee (Departmental - Environment)

Introduced and read first time: January 16, 1997

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 1997

CHAPTER ____

1 AN ACT concerning

2 **Landfills - Standards - Requirements for Security**

3 FOR the purpose of requiring the Maryland Department of the Environment to adopt
4 regulations governing financial assurance for sanitary landfills that accept municipal
5 solid waste ~~and landfills that accept rubble~~; requiring that the regulations for
6 financial assurance be consistent with and not exceed certain federal regulations;
7 providing for the effective date and termination of certain regulations; requiring an
8 applicant for a permit for a sanitary landfill that accepts municipal solid waste ~~and~~
9 ~~a landfill that accepts construction and demolition waste~~ to provide proof of
10 financial assurance in accordance with regulations adopted by the Department; and
11 generally relating to landfill systems.

12 BY repealing and reenacting, with amendments,

13 Article - Environment

14 Section 9-211(a)

15 Annotated Code of Maryland

16 (1996 Replacement Volume and 1996 Supplement)

17 BY adding to

18 Article - Environment

19 Section 9-211.1

20 Annotated Code of Maryland

21 (1996 Replacement Volume and 1996 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 9-211.

3 (a) (1) Except FOR A SANITARY LANDFILL THAT IS SUBJECT TO § 9-211.1 OF
4 THIS SUBTITLE, AND as provided in paragraph (2) of this subsection, before the
5 Secretary issues a permit for a landfill, incinerator, or transfer station to any private
6 person, the applicant for the permit shall:

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

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

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

14 9-211.1.

15 (A) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING
16 FINANCIAL ASSURANCE FOR SANITARY LANDFILLS THAT ACCEPT MUNICIPAL SOLID
17 WASTE ~~AND LANDFILLS THAT ACCEPT RUBBLE.~~

18 (2) FOR MUNICIPAL SOLID WASTE LANDFILLS, THE REGULATIONS
19 SHALL BE CONSISTENT WITH AND MAY NOT EXCEED THE REQUIREMENTS OF
20 FEDERAL REGULATIONS GOVERNING FINANCIAL ASSURANCE (40 C.F.R. SECTION
21 258.70 THROUGH 258.74).

22 (3) A REGULATION ADOPTED UNDER THIS SECTION WHICH IS
23 APPLICABLE TO MUNICIPAL SOLID WASTE LANDFILLS MAY NOT TAKE EFFECT UNTIL
24 AFTER THE EFFECTIVE DATE OF FEDERAL REGULATIONS GOVERNING FINANCIAL
25 ASSURANCE ADOPTED PURSUANT TO 40 C.F.R. SECTION 258.70 THROUGH 258.74 AND
26 SHALL CEASE TO BE EFFECTIVE WHENEVER THOSE FEDERAL REGULATIONS ARE
27 SUSPENDED OR REPEALED.

28 (B) BEFORE THE SECRETARY ISSUES A PERMIT FOR A SANITARY LANDFILL,
29 THE APPLICANT FOR THE PERMIT SHALL PROVIDE PROOF OF FINANCIAL
30 ASSURANCE IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE
31 DEPARTMENT UNDER THIS SECTION.

32 (C) UNTIL THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER
33 SUBSECTION (A) OF THIS SECTION ARE EFFECTIVE, OR IF THOSE REGULATIONS
34 CEASE TO BE EFFECTIVE, SANITARY LANDFILLS THAT ACCEPT MUNICIPAL SOLID
35 WASTE ~~AND LANDFILLS THAT ACCEPT RUBBLE~~ SHALL COMPLY WITH THE
36 REQUIREMENTS OF § 9-211 OF THIS SUBTITLE.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 June 1, 1997.

