

CF 7r2450

By: Delegates Hammen, Krysiak, Dypski, Mohorovic, Minnick, and Arnick

Introduced and read first time: January 23, 1997

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 1997

CHAPTER ____

1 AN ACT concerning

2 **Incinerators - Authority to Prohibit**

3 FOR the purpose of prohibiting the construction and operation of incinerators within a
4 certain distance of certain schools; prohibiting the issuance of certain permits for
5 the construction and operation of certain incinerators; providing certain exceptions;
6 and generally relating to incinerators.

7 BY repealing and reenacting, without amendments,
8 Article - Environment
9 Section 9-201(e) and 9-204(d)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1996 Supplement)

12 BY adding to
13 Article - Environment
14 Section 9-204(j)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1996 Supplement)

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

19 **Article - Environment**

20 9-201.

21 (e) "Refuse disposal system" includes:

22 (1) An incinerator;

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- 1 (2) A transfer station;
- 2 (3) A landfill system;
- 3 (4) A landfill;
- 4 (5) A solid waste processing facility; and
- 5 (6) Any other solid waste acceptance facility.

6 9-204.

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

10 (J) (1) THE SECRETARY MAY NOT ISSUE ANY PERMIT, INCLUDING A
11 PERMIT UNDER SUBSECTION (D) OF THIS SECTION OR § 7-232 OF THIS ARTICLE, TO
12 CONSTRUCT OR OPERATE A MUNICIPAL WASTE INCINERATOR FOR DISPOSAL OF A
13 SOLID WASTE STREAM, AS DEFINED IN § 9-1701 OF THIS TITLE, WITHIN 1 MILE OF A
14 PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL.

15 (2) A PERSON MAY NOT CONSTRUCT OR OPERATE A MUNICIPAL WASTE
16 INCINERATOR FOR DISPOSAL OF A SOLID WASTE STREAM, AS DEFINED IN § 9-1701 OF
17 THIS TITLE, WITHIN 1 MILE OF A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY
18 SCHOOL.

19 (3) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT:

20 (I) THE OPERATION, CONSTRUCTION, RECONSTRUCTION,
21 REPLACEMENT, EXPANSION, AND MATERIAL ALTERATION OR EXTENSION OF AN
22 INCINERATOR THAT WAS OPERATING AS A RESOURCE RECOVERY FACILITY ON
23 JANUARY 1, 1997; OR

24 (II) THE ISSUANCE OF PERMITS NECESSARY FOR THE OPERATION,
25 CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, EXPANSION, AND MATERIAL
26 ALTERATION OR EXTENSION OF AN INCINERATOR THAT WAS OPERATING ON
27 JANUARY 1, 1997.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 1997.