
By: Delegates Perry, Cadden, Walkup, Clagett, Pitkin, Conroy, Love, Rzepkowski, Proctor, Leopold, Bissett, Schade, M. Burns, Hubbard, Frush, Turner, Greenip, and Bobo

Introduced and read first time: February 17, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Rubble Landfills**

3 FOR the purpose of prohibiting the Secretary of the Environment from issuing a certain
4 permit unless a certain plan for a rubble landfill has been approved by the
5 Department; specifying the contents of the plan; requiring a permit holder for a
6 rubble landfill to install an environmental inspector at a landfill upon a request
7 from the Department or a certain approving authority; requiring a permit holder to
8 submit certain information to the approving authority before installing the
9 inspector; allowing the approving authority a certain period to reject the inspector;
10 specifying that certain rights will be waived under certain circumstances; requiring
11 an inspector to inspect each load of incoming waste; specifying the required
12 condition of the waste before acceptance; requiring the inspector to submit a certain
13 report to the Department or the approving authority; establishing a Rubble Landfill
14 Remediation Trust Fund; requiring that owners of rubble landfills pay a certain fee
15 by a certain date; restricting the amount of the annual fee per rubble landfill site;
16 requiring that the fee be paid into the Fund; specifying the use of the Fund;
17 authorizing the Secretary, with the approval of the Board of Public Works, to award
18 a grant to cover certain remediation costs; requiring the Department to adopt
19 certain regulations; requiring that the regulations establish certain procedures and
20 criteria for applying for and awarding certain grants; requiring grant recipients to
21 provide certain documentation; specifying the contents of a grant agreement;
22 providing that certain proceeds be deposited into the Fund; restricting the
23 aggregate amount of grants awarded to a single applicant within a calendar year;
24 specifying the use of certain proceeds; requiring that an eligible applicant for a
25 grant be in compliance with certain laws and regulations; requiring that a permit
26 holder for a rubble landfill submit to the Department and a certain approving
27 authority a certain recycling plan by a certain date; requiring that the recycling plan
28 receive certain approval before implementation; providing that a permit holder
29 recycle certain materials to the extent legally allowed and economically feasible;
30 requiring that a permit holder submit a certain report to the Department and the
31 approving authority; defining a certain term; and generally relating to rubble
32 landfills.

33 BY repealing and reenacting, with amendments,

2

1 Article - Environment
2 Section 9-210
3 Annotated Code of Maryland
4 (1996 Replacement Volume and 1996 Supplement)

5 BY adding to

6 Article - Environment
7 Section 9-210.1 and 9-210.2; 9-280 through 9-287, inclusive, to be under the new
8 part "Part VII. Rubble Landfill Remediation Trust Fund"; and 9-1705.1
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1996 Supplement)

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

13 **Article - Environment**

14 9-210.

15 (a) The Secretary may not issue a permit to install, materially alter, or materially
16 extend a refuse disposal system regulated under § 9-204(a) of this subtitle until the
17 requirements set forth in this subsection are met in the following sequence:

18 (1) Except for the opportunity for a public informational meeting, the
19 Department has completed its preliminary phase 1 technical review of the proposed
20 refuse disposal system;

21 (2) The Department has reported the findings of its preliminary phase 1
22 technical review, in writing, to the county's chief elected official and planning commission
23 of the county where the proposed refuse disposal system is to be located; and

24 (3) The county has completed its review of the proposed refuse disposal
25 system, and has provided to the Department a written statement that the refuse disposal
26 system:

27 (i) Meets all applicable county zoning and land use requirements; and

28 (ii) Is in conformity with the county solid waste plan.

29 (b) (1) The Secretary may not issue a permit [for] TO INSTALL, MATERIALLY
30 ALTER, OR MATERIALLY EXTEND a rubble landfill under § 9-204(a) of this subtitle
31 unless: [the]

32 (I) THE county in which the rubble landfill is located has specified the
33 types of waste that may be disposed of in that rubble landfill in its county solid waste
34 management plan under Subtitle 5 of this title[.]; AND

35 (II) THE PLAN FOR THE RUBBLE LANDFILL IS APPROVED BY THE
36 DEPARTMENT AND INCLUDES:

3

1 1. A SYNTHETIC MEMBRANE LINER WITH A MINIMUM
2 THICKNESS OF 1.5 MILLIMETERS OVER A SUBBASE WITH A MINIMUM THICKNESS OF 2
3 FEET; AND

4 2. A LEACHATE COLLECTION SYSTEM DESIGNED AND
5 OPERATED TO ENSURE THAT THE LEACHATE DEPTH OVER THE LINER DOES NOT
6 EXCEED 30 CENTIMETERS OR 1 FOOT.

7 (2) The types of waste that a county may allow to be disposed of in a rubble
8 landfill under this section include:

9 (i) Trees;

10 (ii) Land clearing debris that is not a controlled hazardous substance
11 as defined in Title 7, Subtitle 2 of this article;

12 (iii) Demolition debris that is not a controlled hazardous substance as
13 defined in Title 7, Subtitle 2 of this article; and

14 (iv) Construction debris that is not a controlled hazardous substance as
15 defined in Title 7, Subtitle 2 of this article.

16 (3) The following types of waste may be disposed of in a rubble landfill
17 subject to the regulations adopted under this subtitle if the disposal of these wastes is
18 expressly approved by the county in its county solid waste management plan:

19 (i) Asbestos, if:

20 1. The asbestos is wet or otherwise in accordance with federal
21 national emission standards for hazardous air pollution when delivered to the landfill;
22 and

23 2. The owner or operator of the landfill retains a record that
24 clearly delineates where the asbestos has been deposited;

25 (ii) White goods; and

26 (iii) Subject to § 9-228(f) of this subtitle, scrap tires.

27 9-210.1.

28 (A) IN THIS SECTION, "APPROVING AUTHORITY" MEANS THE UNIT OF
29 GOVERNMENT IN A LOCAL JURISDICTION RESPONSIBLE FOR SOLID WASTE
30 MANAGEMENT WITHIN THE LOCAL JURISDICTION.

31 (B) AT THE REQUEST OF THE DEPARTMENT OR THE APPROVING AUTHORITY,
32 A PERMIT HOLDER FOR A RUBBLE LANDFILL SHALL INSTALL A QUALIFIED ON-SITE
33 ENVIRONMENTAL INSPECTOR AT THE LANDFILL.

34 (C) (1) BEFORE INSTALLING AN INSPECTOR IN ACCORDANCE WITH
35 SUBSECTION (A) OF THIS SECTION, THE PERMIT HOLDER SHALL SUBMIT TO THE
36 APPROVING AUTHORITY INFORMATION THAT THE APPROVING AUTHORITY
37 REASONABLY REQUIRES TO DETERMINE THE INSPECTOR'S QUALIFICATIONS.

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1 (2) THE APPROVING AUTHORITY HAS 15 DAYS FROM THE DATE THE
2 INFORMATION IS SUBMITTED TO REJECT THE PROPOSED INSPECTOR. IF A WRITTEN
3 REJECTION IS NOT MADE DURING THE 15-DAY PERIOD, THE APPROVING
4 AUTHORITY WILL BE DEEMED TO HAVE WAIVED ANY RIGHT TO REJECT THE
5 INSPECTOR, AND THE PERMIT HOLDER MAY ENGAGE THE SERVICES OF THE
6 INSPECTOR.

7 9-210.2.

8 (A) BEFORE A RUBBLE LANDFILL ACCEPTS A LOAD OF INCOMING WASTE FOR
9 DISPOSAL, AN ENVIRONMENTAL INSPECTOR AT THE RUBBLE LANDFILL MUST
10 INSPECT THE LOAD TO ENSURE THAT:

11 (1) ONLY PERMITTED MATERIALS ARE INCLUDED FOR DISPOSAL AT
12 THE RUBBLE LANDFILL;

13 (2) RECYCLABLE WASTE IS SEGREGATED OR WILL BE SEGREGATED TO
14 MAXIMIZE THE RECAPTURE RATE FOR RECYCLABLES TO THE EXTENT LEGALLY
15 ALLOWED AND ECONOMICALLY FEASIBLE; AND

16 (3) IF NONPERMITTED MATERIALS CONSTITUTE A PORTION OF THE
17 LOAD, THE LOAD IS REJECTED OR IS ACCEPTED WITH THE NONPERMITTED
18 MATERIALS SEGREGATED AND TRANSFERRED TO AN APPROPRIATE OFF-SITE
19 LOCATION FOR PROPER DISPOSAL.

20 (B) THE ENVIRONMENTAL INSPECTOR SHALL SUBMIT AN ANNUAL REPORT
21 TO THE DEPARTMENT OR THE APPROVING AUTHORITY CHARACTERIZING THE
22 WASTE RECEIVED AT THE RUBBLE LANDFILL AS PERMITTED OR OTHER MATERIAL.

23 PART VII. RUBBLE LANDFILL REMEDIATION TRUST FUND.

24 9-280.

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

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

27 9-281.

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

30 9-282.

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

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

36 (C) THE FEES RECEIVED UNDER THIS SECTION SHALL BE PAID INTO THE
37 FUND.

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1 9-283.

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

7 9-284.

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

10 (1) REMEDIATION IN ACCORDANCE WITH REQUIREMENTS ADOPTED
11 BY THE DEPARTMENT; AND

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

14 9-285.

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

17 (B) (1) THE REGULATIONS SHALL ESTABLISH APPLICATION PROCEDURES
18 AND CRITERIA FOR AWARDED GRANTS IN ACCORDANCE WITH § 9-283 OF THIS
19 SUBTITLE.

20 (2) THE CRITERIA SHALL PROVIDE THE BASIS FOR PROJECT PRIORITY
21 RANKING, INCLUDING:

22 (I) THE FINANCIAL CONDITION OF THE PREVIOUS OPERATOR OF
23 THE RUBBLE LANDFILL;

24 (II) PREVIOUS EFFORTS EXPENDED TO CORRECT EXISTING
25 ENVIRONMENTAL PROBLEMS AND TO MAINTAIN COMPLIANCE WITH STATE AND
26 FEDERAL REGULATIONS;

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

29 (IV) OTHER REASONABLE CRITERIA THAT THE SECRETARY
30 CONSIDERS APPROPRIATE.

31 (C) THE REGULATIONS SHALL REQUIRE THE GRANT RECIPIENT TO PROVIDE
32 THE DEPARTMENT WITH DOCUMENTATION THAT THE PROCEEDS OF THE GRANT
33 WERE APPLIED IN ACCORDANCE WITH THE GRANT AGREEMENT.

34 9-286.

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

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

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

9 (II) THE PROCEEDS OF THE GRANT HAVE BEEN USED FOR AN
10 UNAUTHORIZED PURPOSE.

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

13 (B) THE AGGREGATE AMOUNT OF ALL GRANTS AWARDED IN ACCORDANCE
14 WITH THIS PART TO A SINGLE APPLICANT IN A CALENDAR YEAR MAY NOT EXCEED
15 \$100,000 UNLESS THE SECRETARY DETERMINES THAT EXTRAORDINARY
16 CIRCUMSTANCES EXIST.

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

20 9-287.

21 AN ELIGIBLE APPLICANT FOR A GRANT UNDER THIS PART MUST BE IN
22 SUBSTANTIAL COMPLIANCE WITH ALL STATE AND FEDERAL LAWS AND
23 REGULATIONS GOVERNING THE MAINTENANCE, OPERATION, AND USE OF RUBBLE
24 LANDFILLS.

25 9-1705.1.

26 (A) IN THIS SECTION, "APPROVING AUTHORITY" HAS THE SAME MEANING AS
27 DESCRIBED IN § 9-210.1 OF THIS TITLE.

28 (B) ON OR BEFORE SEPTEMBER 1, 1997, A PERMIT HOLDER OF A RUBBLE
29 LANDFILL SHALL SUBMIT TO THE DEPARTMENT AND THE APPROVING AUTHORITY
30 A RECYCLING PLAN FOR THE ON-SITE OR OFF-SITE RECYCLING OF RECYCLABLE
31 MATERIALS.

32 (C) THE RECYCLING PLAN MAY NOT BE IMPLEMENTED UNTIL THE PERMIT
33 HOLDER RECEIVES THE APPROVAL OF THE APPROVING AUTHORITY.

34 (D) A PERMIT HOLDER SHALL SEPARATE AND RECYCLE ALL RECYCLABLE
35 MATERIALS TO THE EXTENT LEGALLY ALLOWED AND ECONOMICALLY FEASIBLE.

36 (E) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, A PERMIT HOLDER SHALL
37 SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT AND THE APPROVING
38 AUTHORITY SPECIFYING THE AMOUNT OF RECYCLING PERFORMED AT THE
39 LANDFILL.

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