
By: Senator Neall

Introduced and read first time: January 27, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Rubble Landfills - Liners - Local Authority**

3 FOR the purpose of authorizing a local jurisdiction in which a rubble landfill or
4 expansion is proposed to require a liner and leachate collection system under
5 certain circumstances; prohibiting the Secretary of the Environment from issuing
6 certain permits for certain rubble landfills or expansions without certain conditions
7 under certain circumstances; providing that certain local authority is deemed waived
8 under certain circumstances; providing for a certain application of this Act; and
9 generally relating to rubble landfill permits and local jurisdictions.

10 BY repealing and reenacting, with amendments,

11 Article - Environment
12 Section 9-210(b)
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

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

17 **Article - Environment**

18 9-210.

19 (b) (1) The Secretary may not issue a permit for a rubble landfill under §
20 9-204(a) of this subtitle unless:

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

24 (II) EITHER:

25 1. THE SECRETARY HAS INCLUDED A REQUIREMENT FOR A
26 LINER AND LEACHATE COLLECTION SYSTEM FOR THE RUBBLE LANDFILL OR
27 EXPANSION AS A CONDITION OF THE PERMIT; OR

28 2. THE LOCAL JURISDICTION IN WHICH THE RUBBLE
29 LANDFILL IS LOCATED HAS WAIVED ITS AUTHORITY TO REQUIRE A LINER AND

2

1 LEACHATE COLLECTION SYSTEM FOR THE RUBBLE LANDFILL OR EXPANSION
2 UNDER PARAGRAPH (4) OF THIS SUBSECTION.

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

5 (i) Trees;

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

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

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

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

15 (i) Asbestos, if:

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

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

21 (ii) White goods; and

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

23 (4) (I) NOTWITHSTANDING ANY REGULATION ADOPTED BY THE
24 DEPARTMENT UNDER THIS SUBTITLE, IN ACCORDANCE WITH THIS PARAGRAPH A
25 LOCAL JURISDICTION IN WHICH A RUBBLE LANDFILL OR AN EXPANSION OF AN
26 EXISTING RUBBLE LANDFILL IS PROPOSED MAY REQUIRE THE RUBBLE LANDFILL
27 OR EXPANSION TO INSTALL A SINGLE LINER AND LEACHATE COLLECTION SYSTEM
28 AS A CONDITION TO BE INCLUDED BY THE SECRETARY IN A PERMIT FOR THE
29 RUBBLE LANDFILL OR EXPANSION.

30 (II) THE SINGLE LINER REQUIRED BY A LOCAL JURISDICTION
31 SHALL BE:

32 1. 1 FOOT OF CLAY, OR OTHER NATURAL MATERIALS WITH
33 A PERMEABILITY OF LESS THAN 1 X 0.0000001 CENTIMETERS PER SECOND; OR

34 2. A REINFORCED SYNTHETIC MEMBRANE AT LEAST 30
35 MILLIMETERS THICK.

36 (III) THE LOCAL JURISDICTION SHALL NOTIFY THE SECRETARY TO
37 INCLUDE THE REQUIREMENT FOR A LINER AND LEACHATE SYSTEM WITHIN 60 DAYS

3
1 AFTER THE LOCAL JURISDICTION RECEIVES THE COMPLETE PHASE 2 REPORT FOR
2 THE PERMIT APPLICATION.

3 (IV) A LOCAL JURISDICTION THAT FAILS TO NOTIFY THE
4 SECRETARY WITHIN THE PERIOD SPECIFIED IN SUBPARAGRAPH (III) OF THIS
5 PARAGRAPH SHALL BE DEEMED TO HAVE WAIVED ITS AUTHORITY TO REQUIRE A
6 LINER AND LEACHATE COLLECTION SYSTEM FOR THE PERMIT.

7 SECTION 2. AND BE IT FURTHER ENACTED, That current existing rubble
8 landfills shall comply with the provisions of this Act by July 1, 2000. However, existing
9 rubble landfills applying for a permit to alter or extend a landfill will be subject to the
10 provisions of this Act on the effective date of this Act.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 1997.