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HB 947/96 - ENV

1997 Regular Session  
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CF 7r2462

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**By: Senator Neall**

Introduced and read first time: January 27, 1997  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 19, 1997

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CHAPTER \_\_\_\_

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 or a certain  
5 alternative system under certain circumstances; authorizing the use of certain  
6 alternative liners under certain circumstances; prohibiting the Secretary of the  
7 Environment from issuing certain permits for certain rubble landfills or expansions  
8 without certain conditions under certain circumstances; providing that certain local  
9 authority is deemed waived under certain circumstances; requiring a local  
10 jurisdiction to notify the Department of the Environment of certain requirements  
11 within a certain period of time; providing for a certain application of this Act; and  
12 generally relating to rubble landfill permits and local jurisdictions.

13 BY repealing and reenacting, with amendments,  
14 Article - Environment  
15 Section 9-210(b)  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume)

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

20 **Article - Environment**

21 9-210.

22 (b) (1) The Secretary may not issue a permit for a rubble landfill under §  
23 9-204(a) of this subtitle unless:

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

4 (II) EITHER:

5 1. THE SECRETARY HAS INCLUDED A REQUIREMENT FOR A  
6 LINER AND LEACHATE COLLECTION SYSTEM OR AN ALTERNATIVE SYSTEM FOR THE  
7 RUBBLE LANDFILL OR EXPANSION AS A CONDITION OF THE PERMIT; OR

8 2. THE LOCAL JURISDICTION IN WHICH THE RUBBLE  
9 LANDFILL IS LOCATED HAS WAIVED ITS AUTHORITY TO REQUIRE A LINER AND  
10 LEACHATE COLLECTION SYSTEM OR AN ALTERNATIVE SYSTEM ACCEPTABLE TO  
11 THE DEPARTMENT FOR THE RUBBLE LANDFILL OR EXPANSION UNDER PARAGRAPH  
12 (4) OF THIS SUBSECTION.

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

15 (i) Trees;

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

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

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

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

25 (i) Asbestos, if:

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

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

31 (ii) White goods; and

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

33 (4) (I) NOTWITHSTANDING ANY REGULATION ADOPTED BY THE  
34 DEPARTMENT UNDER THIS SUBTITLE, IN ACCORDANCE WITH THIS PARAGRAPH A  
35 LOCAL JURISDICTION IN WHICH A RUBBLE LANDFILL OR AN EXPANSION OF AN  
36 EXISTING RUBBLE LANDFILL IS PROPOSED MAY REQUIRE THE RUBBLE LANDFILL  
37 OR EXPANSION TO INSTALL A SINGLE LINER AND LEACHATE COLLECTION SYSTEM  
38 OR AN ALTERNATIVE SYSTEM, AS AUTHORIZED BY THE DEPARTMENT'S

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1 REGULATIONS ADOPTED UNDER THIS SUBTITLE, AS A CONDITION TO BE INCLUDED  
2 BY THE SECRETARY IN A PERMIT FOR THE RUBBLE LANDFILL OR EXPANSION.

3 (II) THE SINGLE LINER REQUIRED BY A LOCAL JURISDICTION  
4 SHALL BE:

5 1. 1 FOOT OF CLAY, OR OTHER NATURAL MATERIALS WITH  
6 A PERMEABILITY OF LESS THAN ~~1-X-0.0000001~~ 0.0000001 CENTIMETERS PER SECOND;  
7 ~~OR~~

8 2. A REINFORCED SYNTHETIC MEMBRANE AT LEAST ~~30~~  
9 ~~MILLIMETERS THICK~~ 30 MILS THICK WHICH HAS A PERMEABILITY THAT IS LESS  
10 THAN OR EQUAL TO 0.000000001 CENTIMETERS PER SECOND; OR

11 3. ANOTHER LINER AS AUTHORIZED BY THE  
12 DEPARTMENT'S REGULATIONS ADOPTED UNDER THIS SUBTITLE.

13 (III) THE LOCAL JURISDICTION SHALL NOTIFY THE SECRETARY ~~TO~~  
14 ~~INCLUDE THE REQUIREMENT FOR~~ IN WRITING THAT THE LOCAL JURISDICTION HAS  
15 REQUIRED THE APPLICANT TO INSTALL A LINER AND LEACHATE SYSTEM OR AN  
16 ALTERNATIVE SYSTEM ACCEPTABLE TO THE DEPARTMENT WITHIN 60 DAYS AFTER  
17 THE LOCAL JURISDICTION RECEIVES THE COMPLETE PHASE ~~2~~ II REPORT FOR THE  
18 PERMIT APPLICATION.

19 (IV) A LOCAL JURISDICTION THAT FAILS TO NOTIFY THE  
20 SECRETARY WITHIN THE PERIOD SPECIFIED IN SUBPARAGRAPH (III) OF THIS  
21 PARAGRAPH SHALL BE DEEMED TO HAVE WAIVED ITS AUTHORITY TO REQUIRE A  
22 LINER AND LEACHATE COLLECTION SYSTEM OR AN ALTERNATIVE SYSTEM FOR THE  
23 PERMIT.

24 SECTION 2. AND BE IT FURTHER ENACTED, That ~~current~~ existing permitted  
25 rubble landfills shall comply with the provisions of this Act by July 1, 2000. ~~However,~~  
26 ~~existing rubble landfills applying for a permit to alter or extend a landfill will be subject to~~  
27 ~~the provisions of this Act on the effective date of this Act July 1, 2001. This Act does not~~  
28 ~~apply to pending permit applications that have received phase II approval from the~~  
29 Department of the Environment on or before March 1, 1997.

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