
By: Senator Currie

Introduced and read first time: January 30, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Recycling Facility - Definition**

3 FOR the purpose of defining the term "recycling facility"; clarifying a certain permitting
4 exemption for recycling facilities; and generally relating to the regulation of
5 recycling by the Secretary of the Environment.

6 BY repealing and reenacting, with amendments,
7 Article - Environment
8 Section 9-101 and 9-211(a)
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 9-101.

15 (a) In this title the following words have the meanings indicated.

16 (b) "Discharge" means:

17 (1) The addition, introduction, leaking, spilling, or emitting of a pollutant
18 into the waters of this State; or

19 (2) The placing of a pollutant in a location where the pollutant is likely to
20 pollute.

21 (c) (1) "Disposal system" means a system for disposing of wastes by surface,
22 above surface, or underground methods.

23 (2) "Disposal system" includes a treatment works and a disposal well.

24 (d) (1) "Effluent limitation" means a restriction or prohibition that:

25 (i) Is established under federal law or a law of this State; and

26 (ii) Specifies quantities, rates, or concentrations of chemical, physical,
27 biological, or other constituents that are discharged into the waters of this State.

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1 (2) "Effluent limitation" includes:

2 (i) Parameters for toxic and nontoxic discharges;

3 (ii) Standards of performance for new sources; and

4 (iii) Ocean discharge standards.

5 (e) "Industrial user" means:

6 (1) A person who is engaged in manufacturing, fabricating, or assembling
7 goods; or

8 (2) A member of any class of significant producers of pollutants identified
9 under rules or regulations adopted by:

10 (i) The Secretary; or

11 (ii) The administrator of the United States Environmental Protection
12 Agency.

13 (f) "National pollutant discharge elimination system" means the national system
14 for issuing permits as designated by the Federal Water Pollution Control Act.

15 (g) "Pollutant" means:

16 (1) Any waste or wastewater that is discharged from:

17 (i) A publicly owned treatment works; or

18 (ii) An industrial source; or

19 (2) Any other liquid, gaseous, solid, or other substance that will pollute any
20 waters of this State.

21 (h) "Pollution" means any contamination or other alteration of the physical,
22 chemical, or biological properties of any waters of this State, including a change in
23 temperature, taste, color, turbidity, or odor of the waters or the discharge or deposit of
24 any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other
25 substance into any waters of this State, that will render the waters harmful or detrimental
26 to:

27 (1) Public health, safety, or welfare;

28 (2) Domestic, commercial, industrial, agricultural, recreational, or other
29 legitimate beneficial uses;

30 (3) Livestock, wild animals, or birds; or

31 (4) Fish or other aquatic life.

32 (i) "Publicly owned treatment works" means a facility that is:

33 (1) Owned by this State or a political subdivision, municipal corporation, or
34 other public entity; and

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1 (2) Used for the treatment of pollutants.

2 (J) "RECYCLING FACILITY" MEANS A FACILITY THAT:

3 (1) IS DESIGNED AND OPERATED TO RECEIVE, STORE, PROCESS, AND
4 TRANSFER SOURCE-SEPARATED MATERIAL, THAT OTHERWISE WOULD BE
5 TREATED AS SOLID WASTE, BACK INTO THE MARKETPLACE;

6 (2) PRODUCES MATERIAL WITH VALUE IN THE MARKETPLACE;

7 (3) RECYCLES AT LEAST 85% OF THE MATERIAL RECEIVED AT THE
8 FACILITY; AND

9 (4) DOES NOT ACCEPT HAZARDOUS MATERIALS.

10 [(j)] (K) (1) "Solid waste" means any garbage, refuse, sludge, or liquid from
11 industrial, commercial, mining, or agricultural operations or from community activities.

12 (2) "Solid waste" includes:

13 (i) Scrap tires as defined in § 9-201 of this title; and

14 (ii) Organic material capable of being composted in accordance with
15 Subtitle 17, Part III of this title.

16 (3) "Solid waste" does not include:

17 (i) Solid or dissolved material in domestic sewage or in irrigation
18 return flows; or

19 (ii) Compost as defined in § 9-1701 of this title.

20 [(k)] (L) "Water quality standard" means a water quality standard that is adopted
21 and effective under federal law or a law of this State.

22 [(l)] (M) "Waters of this State" includes:

23 (1) Both surface and underground waters within the boundaries of this State
24 subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries
25 of this State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams,
26 public ditches, tax ditches, and public drainage systems within this State, other than those
27 designed and used to collect, convey, or dispose of sanitary sewage; and

28 (2) The flood plain of free-flowing waters determined by the Department of
29 Natural Resources on the basis of the 100-year flood frequency.

30 9-211.

31 (a) (1) Except as provided in paragraph (2) of this subsection, before the
32 Secretary issues a permit for a landfill, incinerator, or transfer station to any private
33 person, the applicant for the permit shall:

34 (i) File with the Department a bond on the form that the Department
35 provides; or

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

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

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