

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 369 (Delegate Hammen, *et al.*)
Environmental Matters

Incinerators - Authority to Prohibit

This bill prohibits the construction and operation of a municipal waste incinerator within one mile of an elementary or secondary school. The Maryland Department of the Environment (MDE) may not issue a permit for such a facility. These restrictions do not affect the operations or construction activities of an incinerator that was operating as a resource recovery facility on January 1, 1997.

This bill is effective July 1, 1997.

Fiscal Summary

State Effect: None. The bill would not directly affect State finances.

Local Effect: Potential indeterminate effect on local governments as discussed below.

Small Business Effect: None. It is not considered likely that this bill would impact small businesses, as discussed below.

Fiscal Analysis

Local Effect: It is not entirely clear how this legislation might impact school location decisions in the long term. Should an incinerator be located near a site that has already been purchased by the local system for future use as a school or that has been donated for use as a school, that incinerator could not obtain any future permits for construction activities if a school is actually built. This restriction could affect future school siting as well as incinerator location decisions.

Small Business Effect: According to MDE, there are four facilities currently operational as

municipal solid waste facilities in the State. While two of these are private, they would not qualify as small businesses. The cost of starting such a facility would be prohibitive to most small business entities. Therefore, it is considered unlikely that future facilities that might apply for permits and be impacted by this bill would be run by small businesses.

Information Source(s): Maryland Department of the Environment, Department of Fiscal Services

Fiscal Note History: First Reader - January 31, 1997

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