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By: **Delegates Guns and Walkup**  
Introduced and read first time: February 23, 1998  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Waste Information and Assessment Program**

3 FOR the purpose of requiring the Department of the Environment to establish a  
4 waste information and assessment program; requiring the Department to  
5 submit an annual report identifying the amount of certain waste disposed of in  
6 the State; requiring certain permitted waste facilities to provide certain  
7 information to the Department; defining certain terms; and generally relating to  
8 waste management.

9 BY repealing and reenacting, with amendments,  
10 Article - Environment  
11 Section 9-204  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1997 Supplement)

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

16 **Article - Environment**

17 9-204.

18 (a) This section applies to any water supply system, sewerage system, refuse  
19 disposal system that is for public use, or any refuse disposal system that is a solid  
20 waste acceptance facility as defined in § 9-501(n) of this title if the solid waste  
21 acceptance facility is installed, altered, or extended after July 1, 1988.

22 (b) (1) The Secretary may adopt reasonable and proper regulations for  
23 submission of plans. These regulations may include the collection of a fee at the time  
24 of application for:

25 (i) A permit issued under this section for a privately owned water  
26 supply or sewerage system; or

27 (ii) A permit applied for by a local unit of government for a  
28 privately financed water supply or sewerage system.



1 3. State the conditions under which the Secretary would  
2 approve the application.

3 (2) The Secretary shall act within 30 working days after receiving an  
4 application and payment of fee for a permit under this section for a water distribution  
5 line or a sewage collection line.

6 (3) If the Secretary does not act within the time set by paragraph (2) of  
7 this subsection:

8 (i) The application is approved automatically; and

9 (ii) The Secretary shall issue a permit for the work.

10 (h) A person may not:

11 (1) Install, materially alter, or materially extend a water supply system,  
12 sewerage system, or refuse disposal system in this State except in accordance with a  
13 permit issued to the person by the Secretary under this section; or

14 (2) Embody any material change in construction until the Secretary has  
15 issued a revised permit based on the submission to the Secretary under subsection  
16 (e)(2) of this section.

17 (i) After a person completes work under a permit, the person shall submit to  
18 the Secretary for permanent record a certified copy of the plans that shows the work  
19 as built.

20 (j) An owner or operator of an incinerator may not accept more than 150 tons  
21 per day of special medical waste, as defined in Title 26, Subtitle 13, Chapter 11 of the  
22 Code of Maryland Regulations.

23 (k) (1) The Secretary may not issue any permit, including a permit under  
24 subsection (d) of this section or § 7-232 of this article, to construct or operate a  
25 municipal waste incinerator for disposal of a solid waste stream, as defined in §  
26 9-1701 of this title, within 1 mile of a public or private elementary or secondary  
27 school.

28 (2) A person may not construct or operate a municipal waste incinerator  
29 for disposal of a solid waste stream, as defined in § 9-1701 of this title, within 1 mile  
30 of a public or private elementary or secondary school.

31 (3) This subsection may not be construed to prohibit:

32 (i) The operation, construction, reconstruction, replacement,  
33 expansion, and material alteration or extension of an incinerator that was operating  
34 as a resource recovery facility on January 1, 1997; or

1 (ii) The issuance of permits necessary for the operation,  
2 construction, reconstruction, replacement, expansion, and material alteration or  
3 extension of an incinerator that was operating on January 1, 1997.

4 (L) (1) IN THIS SUBSECTION, "TRADE SECRET" HAS THE MEANING  
5 PROVIDED IN § 11-1201 OF THE COMMERCIAL LAW ARTICLE.

6 (2) THE DEPARTMENT SHALL PREPARE AN ANNUAL REPORT  
7 IDENTIFYING THE AMOUNT OF SOLID WASTE BY WEIGHT OR VOLUME, DISPOSED OF  
8 IN THE STATE DURING THE PREVIOUS YEAR.

9 (3) THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS  
10 SUBSECTION SHALL IDENTIFY:

11 (I) THE FOLLOWING SOLID WASTE CATEGORIES:

- 12 1. CONSTRUCTION AND DEMOLITION DEBRIS;
- 13 2. INCINERATOR ASH;
- 14 3. INDUSTRIAL WASTE;
- 15 4. LAND CLEARING DEBRIS;
- 16 5. MUNICIPAL SOLID WASTE; AND
- 17 6. ANY OTHER SOLID WASTE IDENTIFIED BY THE  
18 DEPARTMENT;

19 (II) THE AMOUNT OF SOLID WASTE GENERATED OUTSIDE OF THE  
20 STATE;

21 (III) THE JURISDICTIONS WHERE THE SOLID WASTE ORIGINATED;  
22 AND

23 (IV) AN ESTIMATE OF THE AMOUNT OF SOLID WASTE MANAGED OR  
24 DISPOSED OF BY:

- 25 1. RECYCLING;
- 26 2. COMPOSTING;
- 27 3. LANDFILLING; AND
- 28 4. INCINERATION.

29 (4) (I) ALL PERMITTED SOLID WASTE ACCEPTANCE FACILITIES SHALL  
30 AT LEAST ANNUALLY PROVIDE TO THE DEPARTMENT INFORMATION THEY POSSESS  
31 THAT IS NECESSARY TO PREPARE THE REPORT REQUIRED UNDER PARAGRAPH (2) OF  
32 THIS SUBSECTION.

1 (II) UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A FACILITY  
2 OWNER MAY PROVIDE THE FOLLOWING INFORMATION:

3 1. AN ACCOUNTING OF THE FACILITY'S ECONOMIC  
4 BENEFITS PROVIDED TO THE LOCALITY WHERE THE FACILITY IS LOCATED;

5 2. THE VALUE OF DISPOSAL AND RECYCLING FACILITIES  
6 PROVIDED TO THE LOCALITY AT NO COST OR REDUCED COST;

7 3. DIRECT EMPLOYMENT ASSOCIATED WITH THE FACILITY;  
8 AND

9 4. OTHER ECONOMIC BENEFITS RESULTING FROM THE  
10 FACILITY DURING THE PRECEDING CALENDAR YEAR.

11 (5) BEGINNING JANUARY 1, 2000, THE DEPARTMENT SHALL ANNUALLY  
12 SUBMIT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A  
13 REPORT OF THE ACTIVITIES UNDERTAKEN AND THE PROGRESS MADE IN  
14 ACCORDANCE WITH THIS SECTION TO:

15 (I) THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE; AND

16 (II) THE SENATE ECONOMIC AND ENVIRONMENTAL AFFAIRS  
17 COMMITTEE.

18 (6) A FACILITY OWNER IS NOT REQUIRED TO PROVIDE INFORMATION  
19 UNDER PARAGRAPH (4) OF THIS SUBSECTION THAT IS A TRADE SECRET.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 1998.