
By: **Delegates Guns and Walkup**

Introduced and read first time: February 23, 1998

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 2, 1998

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 1998

CHAPTER _____

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.

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

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

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

8 (2) The Secretary shall provide the regulated community an opportunity
9 to participate in the rate setting and regulatory processes.

10 (c) (1) Before a person draws plans or submits an application under this
11 section for a proposed water supply system, sewerage system, or refuse disposal
12 system, the person may submit to the Secretary a preliminary statement on the
13 proposed system.

14 (2) At the request of the person, the Secretary shall outline the general
15 requirements that must be met before the Secretary would approve the proposed
16 system.

17 (d) A person shall have a permit issued by the Secretary under this section
18 before the person installs, materially alters, or materially extends a water supply
19 system, sewerage system, or refuse disposal system.

20 (e) An applicant for a permit shall:

21 (1) Submit to the Secretary an application that contains:

22 (i) The complete plans and specifications for the installation,
23 alteration, or extension of the water supply system, sewerage system, or refuse
24 disposal system;

25 (ii) For any application related to any solid waste acceptance
26 facility in the areas of Baltimore City designated by the United States Post Office as
27 zip code numbers 21225, 21226, and 21230, a groundwater and surface water impact
28 analysis prepared at the expense of the applicant regarding the proposed installation,
29 alteration, or extension; and

30 (iii) Any other information that the Secretary requires;

31 (2) Submit to the Secretary any material change in the plans and
32 specifications, with the reason for the change; and

33 (3) Pay the permit fee set by the Department.

34 (f) Results of any groundwater and surface water impact analysis required
35 under subsection (e)(1)(ii) of this section may be a basis for the Secretary's denial of a
36 permit.

1 (g) (1) When a person applies for a permit and pays the fee under this
2 section, the Secretary shall:

- 3 (i) Examine the application without delay; and
- 4 (ii) 1. Approve the application and issue the permit;
- 5 2. Disapprove the application; or
- 6 3. State the conditions under which the Secretary would
7 approve the application.

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

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

- 13 (i) The application is approved automatically; and
- 14 (ii) The Secretary shall issue a permit for the work.

15 (h) A person may not:

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

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

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

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

28 (k) (1) The Secretary may not issue any permit, including a permit under
29 subsection (d) of this section or § 7-232 of this article, to construct or operate a
30 municipal waste incinerator for disposal of a solid waste stream, as defined in §
31 9-1701 of this title, within 1 mile of a public or private elementary or secondary
32 school.

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

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

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

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

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

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

13 (3) THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS
14 SUBSECTION SHALL IDENTIFY:

15 (I) THE FOLLOWING SOLID WASTE CATEGORIES:

- 16 1. CONSTRUCTION AND DEMOLITION DEBRIS;
- 17 2. INCINERATOR ASH;
- 18 3. INDUSTRIAL WASTE;
- 19 4. LAND CLEARING DEBRIS;
- 20 5. MUNICIPAL SOLID WASTE; AND
- 21 6. ANY OTHER SOLID WASTE IDENTIFIED BY THE
22 DEPARTMENT;

23 (II) THE AMOUNT OF SOLID WASTE DISPOSED OF IN THE STATE
24 THAT IS GENERATED OUTSIDE OF THE STATE;

25 (III) THE JURISDICTIONS WHERE THE SOLID WASTE ORIGINATED;
26 ~~AND~~

27 (IV) THE AMOUNT OF SOLID WASTE GENERATED IN THE STATE
28 THAT IS TRANSPORTED OUTSIDE OF THE STATE FOR DISPOSAL; AND

29 ~~(IV)~~ (V) AN ESTIMATE OF THE AMOUNT OF SOLID WASTE
30 MANAGED OR DISPOSED OF BY:

- 31 1. RECYCLING;
- 32 2. COMPOSTING;

1 3. LANDFILLING; AND

2 4. INCINERATION.

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

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

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

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

13 3. DIRECT EMPLOYMENT ASSOCIATED WITH THE FACILITY;
14 AND

15 4. OTHER ECONOMIC BENEFITS RESULTING FROM THE
16 FACILITY DURING THE PRECEDING CALENDAR YEAR.

17 (5) BEGINNING ~~JANUARY~~ SEPTEMBER 1, 2000, THE DEPARTMENT SHALL
18 ANNUALLY SUBMIT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
19 ARTICLE, A REPORT OF THE ACTIVITIES UNDERTAKEN AND THE PROGRESS MADE IN
20 ACCORDANCE WITH THIS SECTION TO:

21 (I) THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE; AND

22 (II) THE SENATE ECONOMIC AND ENVIRONMENTAL AFFAIRS
23 COMMITTEE.

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

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