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By: **Senators Neall, Middlebrooks, Jimeno, and Astle**  
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Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 19, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Solid Waste - Applications and Planning**

3 FOR the purpose of requiring an applicant for a refuse disposal system to include in  
4 the application a certain statement from the county governing body; prohibiting  
5 the Secretary of the Environment from accepting certain applications if  
6 incomplete; requiring the Department to cease processing a refuse disposal  
7 permit application until certain requirements are met; allowing the county  
8 governing body to take certain actions concerning a county solid waste plan and  
9 amendments; and generally relating to solid waste management.

10 BY repealing and reenacting, with amendments,  
11 Article - Environment  
12 Section 9-204(e) and (g), 9-210, and 9-503  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 1997 Supplement)

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

17 **Article - Environment**

18 9-204.

19 (e) An applicant for a permit shall:

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

1 (i) The complete plans and specifications for the installation,  
2 alteration, or extension of the water supply system, sewerage system, or refuse  
3 disposal system;

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

9 (III) FOR A REFUSE DISPOSAL SYSTEM, A STATEMENT, FROM THE  
10 COUNTY WHERE THE REFUSE DISPOSAL SYSTEM IS TO BE LOCATED, THAT THE  
11 REFUSE DISPOSAL SYSTEM:

12 1. MEETS ALL APPLICABLE COUNTY ZONING AND LAND USE  
13 REQUIREMENTS; AND

14 2. IS IN CONFORMITY WITH THE COUNTY SOLID WASTE  
15 PLAN; and

16 [(iii)] (IV) Any other information that the Secretary requires;

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

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

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

22 (i) Examine the application without delay; and

23 (ii) 1. Approve the application and issue the permit;

24 2. Disapprove the application; or

25 3. State the conditions under which the Secretary would  
26 approve the application.

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

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

32 (i) The application is approved automatically; and

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

1 (4) THE SECRETARY MAY NOT ACCEPT AN INCOMPLETE APPLICATION  
2 FOR A PERMIT.

3 9-210.

4 (a) [The] SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS  
5 SECTION, THE Secretary may not issue a permit to install, materially alter, or  
6 materially extend a refuse disposal system regulated under § 9-204(a) of this subtitle  
7 until the requirements set forth in this subsection are met in the following sequence:

8 (1) Except for the opportunity for a public informational meeting, the  
9 Department has completed its preliminary phase 1 technical review of the proposed  
10 refuse disposal system;

11 (2) The Department has reported the findings of its preliminary phase 1  
12 technical review, in writing, to the county's chief elected official and planning  
13 commission of the county where the proposed refuse disposal system is to be located;  
14 and

15 (3) The county has completed its review of the proposed refuse disposal  
16 system, and has provided to the Department a written statement that the refuse  
17 disposal system:

18 (i) Meets all applicable county zoning and land use requirements;  
19 and

20 (ii) Is in conformity with the county solid waste plan.

21 (B) UPON COMPLETION OF THE REQUIREMENTS OF SUBSECTION (A)(1) AND (2)  
22 OF THIS SECTION, THE DEPARTMENT SHALL CEASE PROCESSING THE PERMIT  
23 APPLICATION UNTIL THE REQUIREMENTS OF SUBSECTION (A)(3) OF THIS SECTION  
24 ARE MET.

25 [(b)] (C) (1) The Secretary may not issue a permit for a rubble landfill under  
26 § 9-204(a) of this subtitle unless the county in which the rubble landfill is located has  
27 specified the types of waste that may be disposed of in that rubble landfill in its  
28 county solid waste management plan under Subtitle 5 of this title.

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

31 (i) Trees;

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

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

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

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

6 (i) Asbestos, if:

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

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

12 (ii) White goods; and

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

14 9-503.

15 (a) Each county shall have a county plan or a plan with adjoining counties  
16 that:

17 (1) Is approved by the Department;

18 (2) Covers at least the 10-year period next following adoption by the  
19 county governing body; and

20 (3) Deals with:

21 (i) Water supply systems;

22 (ii) Sewerage systems;

23 (iii) Solid waste disposal systems;

24 (iv) Solid waste acceptance facilities; and

25 (v) The systematic collection and disposal of solid waste, including  
26 litter.

27 (b) Except as provided in § 9-515 of this subtitle, each county governing body  
28 shall review its county plan at least once every 3 years in accordance with a schedule  
29 set by the Department.

30 (c) Each county governing body shall adopt and submit to the Department a  
31 revision or amendment to its county plan if:

32 (1) The governing body considers a revision or amendment necessary; or

1                   (2)     The Department requires a revision or amendment.

2       (d)     (1)     Before a county governing body adopts any revision or amendment to  
3 its county plan or adopts a new county plan, the governing body shall:

4                   (i)     Conduct a public hearing on the county plan, revision, or  
5 amendment that may be conducted jointly with other public hearings or meetings;  
6 and

7                   (ii)    Give the principal elected official of each municipal corporation  
8 that is affected notice of the county plan, revision, or amendment at least 14 days  
9 before the hearing.

10               (2)     (i)     Notice of the time and place of the public hearing, together with  
11 a summary of the plan, revision, or amendment, shall be published in at least 1  
12 newspaper of general circulation in the county once each week for 2 successive weeks,  
13 with the first publication of notice appearing at least 14 days before the hearing.

14                   (ii)    Notice of the public hearing may be a part of the general notice  
15 listing all other items to be considered during the public hearing or meeting.

16       (E)     AFTER THE PUBLIC HEARING, THE COUNTY GOVERNING BODY:

17               (1)     SHALL REVIEW THE COUNTY PLAN;

18               (2)     MAY AMEND THE COUNTY PLAN AS THE COUNTY GOVERNING BODY  
19 CONSIDERS NECESSARY; AND

20               (3)     SHALL ADOPT THE COUNTY PLAN OR THE AMENDMENT TO THE  
21 COUNTY PLAN.

22     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 1998.