

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

Senate Bill 441 (Senator Conway)

Economic and Environmental Affairs

Environment - Incinerator Ash

This bill requires a person to register each “ash use” with the Maryland Department of the Environment (MDE) prior to commencing that use. Each applicant must file with MDE (1) the name and address of the applicant; (2) the name and address of the person who will utilize the ash if other than the applicant; (3) a full description of the source and processing of the ash to be utilized; (4) a physical and chemical characterization of the ash, utilizing methods that are acceptable to the department; (5) a description of how the proposed product will be used, including the site-specific locations; and (6) a demonstration that the ash use registered will not adversely affect human health and safety, the environment, and natural resources. MDE is authorized to require the submission of any additional toxicological, environmental, or health effects data that the department considers appropriate. MDE is also authorized to take into account human health and environmental impacts before registering each ash use.

MDE may require applicants to demonstrate methods of tracking the physical location and manner of ash use in all initial and subsequent uses. The bill prohibits the registration of ash use until all conditions are met. MDE is authorized to revoke any registration if it is determined that (1) the basis for the original registration was incorrect or is no longer valid; or (2) a violation of any condition that the department attached to the registration has occurred. The bill also provides for the enforcement of the provisions of the bill including civil and administrative penalties of up to \$10,000.

Fiscal Summary

State Effect: Potential indeterminate expenditure increase beginning in FY 2000. No effect on revenues.

Local Effect: Potential meaningful impact on local governments.

Small Business Effect: Potential meaningful.

Fiscal Analysis

State Effect: The bill establishes a new regulatory program for monitoring the use of municipal solid waste ash. Currently, all municipal solid waste ash is, upon testing and classification by the generator, managed as a non-hazardous solid waste and deposited in municipal solid waste (MSW) landfills. The bill would allow ash to be used for other purposes as long as it was registered with MDE for approved uses. MDE advises that general fund expenditures could increase by an estimated \$33,121 in fiscal 2000, which accounts for the bill's October 1, 1999 effective date, as a result of hiring a one-half time public health engineer and a one-half time office secretary to review registrations and public health and environmental impacts associated with this new municipal solid waste ash use program. Future year expenditures are estimated to be approximately \$40,000 annually.

The Department of Legislative Services (DLS) advises that at this time it is not known how many ash use registrations will be submitted. Until the number of registrations can be better estimated, it is likely that MDE could handle the initial ash use applications with its existing resources as MDE advises that it would only need two part-time employees to handle the expected workload. If existing resources prove inadequate, MDE could obtain additional personnel in future years through the annual budgetary process.

Local Effect: Local governments could realize increased revenue if businesses in Maryland are able to devise ways to use ash in beneficial ways. This would create a new market for the use of ash. In addition, the bill places the burden of the registration costs on the applicant by requiring the applicant to provide MDE with all relevant data, including toxicological, environmental, and health effects data, with each application for an ash use registration. To the extent that local governments want to register an ash use with MDE, expenditures would increase. However, the extent of any increased expenditures or revenues that could be incurred by local governments cannot be quantified at this time.

Small Business Effect: Small businesses that are able to devise innovative new uses of ash could benefit. Currently, all municipal solid waste ash is deposited in landfills. States such as Pennsylvania, New Jersey, and New York allow ash to be used for beneficial purposes. The bill could provide new economic opportunities for Maryland small businesses that are able to devise new and beneficial uses of ash. As stated previously, the bill also places the burden of the registration costs on the applicant. However, the extent of any increased expenditures or revenues that could be incurred by small businesses cannot be quantified at this time.

Information Source(s): Maryland Department of the Environment; Kent, Montgomery, Prince George's, Washington, and Worcester counties; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 1999

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Analysis by: Mike Sanelli

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 946-5510

(301) 970-5510