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By: **Delegates Branch, C. Davis, Kirk, Harrison, Valderrama, Patterson,  
Cole, V. Jones, Marriott, Oaks, A. Jones, McHale, and Phillips**

Introduced and read first time: January 28, 2000

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 29, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Scrap Tires - Disposal - Penalties**

3 FOR the purpose of prohibiting the disposal of scrap tires except in a certain manner;  
4 providing certain criminal and civil penalties for persons who violate certain  
5 scrap tire procedures; requiring the Attorney General to take certain actions;  
6 allowing the Department of the Environment to assess certain penalties and  
7 take certain enforcement actions; and generally relating to the disposal of scrap  
8 tires.

9 BY repealing and reenacting, without amendments,  
10 Article - Environment  
11 Section 9-228(a) and (f)  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1999 Supplement)

14 ~~BY repealing~~  
15 ~~Article - Environment~~  
16 ~~Section 9-228(f)~~  
17 ~~Annotated Code of Maryland~~  
18 ~~(1996 Replacement Volume and 1999 Supplement)~~

19 BY adding to  
20 Article - Environment  
21 Section 9-228(g)  
22 Annotated Code of Maryland

1 (1996 Replacement Volume and 1999 Supplement)  
 2 (As enacted by Chapter 627 the Acts of the General Assembly of 1997)

3 BY adding to  
 4 Article - Environment  
 5 Section ~~9-228(f)~~ and 9-267.1  
 6 Annotated Code of Maryland  
 7 (1996 Replacement Volume and 1999 Supplement)

8 BY repealing and reenacting, with amendments,  
 9 Article - Environment  
 10 Section 9-268  
 11 Annotated Code of Maryland  
 12 (1996 Replacement Volume and 1999 Supplement)

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

15 **Article - Environment**

16 9-228.

17 (a) In this section, "approved facility" means a facility located in or outside of  
 18 the State for collecting, recycling, or otherwise processing scrap tires that is approved  
 19 or licensed by the Department in accordance with regulations adopted by the  
 20 Department.

21 ~~{(f)~~ (1) Except as provided in paragraph (2) of this subsection, after January  
 22 1, 1994 scrap tires may not be disposed of in a landfill.

23 (2) The Secretary may waive the requirements of paragraph (1) of this  
 24 subsection under such terms and conditions and for such periods as the Department  
 25 considers appropriate if the Department determines that a scrap tire recycling  
 26 system:

27 (i) Does not exist; or

28 (ii) Has insufficient capacity to accommodate the amount of scrap  
 29 tires generated in the State.}

30 ~~(F)~~ (G) A PERSON MAY NOT DISPOSE OF ~~OR CAUSE TO BE DISPOSED OF~~  
 31 SCRAP TIRES EXCEPT THROUGH A LICENSED SCRAP TIRE HAULER OR BY  
 32 DELIVERING THE TIRES TO AN APPROVED FACILITY.

1 9-267.1.

2 (A) (1) A PERSON WHO VIOLATES § 9-228 OF THIS SUBTITLE, OR A  
3 REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER § 9-228 OF THIS  
4 SUBTITLE IS SUBJECT TO THE PENALTIES PROVIDED IN THIS SUBSECTION.

5 (2) A PERSON WHO VIOLATES § 9-228~~(F)~~ (G) OF THIS SUBTITLE IS GUILTY  
6 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
7 \$1,000, OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

8 (3) A PERSON WHO VIOLATES § 9-228~~(F)~~ (G) OF THIS SUBTITLE FOR  
9 ~~COMMERCIAL MONETARY OR FINANCIAL~~ GAIN IS GUILTY OF A MISDEMEANOR AND  
10 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT  
11 NOT EXCEEDING 5 YEARS OR BOTH.

12 (4) A PERSON WHO VIOLATES § 9-228(B), ~~(H), (I), OR (J)~~ (H)(1), (I)(1), OR (J)(1)  
13 OF THIS SUBTITLE, OR A REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED  
14 UNDER § 9-228(B), ~~(H)~~ (H)(1), OR ~~(J)~~ (J)(1) OF THIS SUBTITLE, IS GUILTY OF A  
15 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.

16 (B) THE DEPARTMENT MAY BRING AN ACTION TO ENJOIN A PERSON WHO  
17 VIOLATES ANY PROVISION OF § 9-228 OF THIS SUBTITLE OR A REGULATION, ORDER,  
18 OR PERMIT ADOPTED OR ISSUED BY THE DEPARTMENT UNDER § 9-228 OF THIS  
19 SUBTITLE.

20 (C) A PERSON WHO VIOLATES § 9-228 OF THIS SUBTITLE OR A  
21 REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER § 9-228 OF THIS  
22 SUBTITLE IS LIABLE FOR A CIVIL PENALTY NOT EXCEEDING \$10,000, TO BE  
23 COLLECTED IN A CIVIL ACTION BROUGHT BY THE DEPARTMENT. EACH DAY A  
24 VIOLATION OCCURS IS A SEPARATE VIOLATION UNDER THIS SUBSECTION.

25 (D) (1) A PERSON ACCUSED OF A VIOLATION MAY WAIVE AN OPPORTUNITY  
26 FOR A HEARING UNDER THIS SUBSECTION IN WRITING.

27 (2) THE DEPARTMENT MAY IMPOSE A PENALTY FOR A VIOLATION § 9-228  
28 OF THIS SUBTITLE OR A REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED  
29 UNDER § 9-228 OF THIS SUBTITLE.

30 (3) THE PENALTY IMPOSED ON A PERSON UNDER THIS SUBSECTION  
31 SHALL BE:

32 (I) UP TO \$1,000 FOR EACH VIOLATION, BUT NOT EXCEEDING  
33 \$50,000 TOTAL; AND

34 (II) ASSESSED WITH CONSIDERATION GIVEN TO:

35 1. THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO  
36 WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO BUT UNCORRECTED BY  
37 THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED  
38 REASONABLE CARE;



1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2000.