Unofficial Copy M4

By: Chairman, Economic and Environmental Affairs Committee (Departmental - Environment)

Introduced and read first time: January 17, 2000 Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments Senate action: Adopted with floor amendments Read second time: March 23, 2000

CHAPTER_____

1 AN ACT concerning

2

3

State Used Tire Cleanup and Recycling Fund - Reinstatement of Fee and Permissible Uses of Fund

4 FOR the purpose of altering clarifying the permissible uses of the State Used Tire

- 5 Cleanup and Recycling Fund; altering a certain reporting date for a certain
- 6 report; exempting under certain circumstances certain persons from the
- 7 requirement that certain expenditures from the fund be reimbursed to the
- 8 <u>Department of the Environment;</u> eliminating the repeal of certain provisions
- 9 relating to the used tire recycling fee and the Fund; repealing a delayed effective
- 10 date related to the used tire recycling fee and the Fund; requiring the
- 11 Department of the Environment to accelerate the expenditure of certain funds
- 12 for certain purposes and include certain information in the annual report on the
- 13 <u>Fund</u>; and generally relating to the State Used Tire Cleanup and Recycling
- 14 Fund.

15 BY repealing and reenacting, with amendments,

- 16 Article Environment
- 17 Section 9-275 and 9-276
- 18 Annotated Code of Maryland
- 19 (1996 Replacement Volume and 1999 Supplement)

20 BY repealing and reenacting, with amendments,

- 21 Chapter 627 of the Acts of the General Assembly of 1997
- 22 Section 3
- 23 BY repealing

1 2	Chapter 627 of the Acts of the General Assembly of 1997 Section 2						
3 4	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
5	Article - Environment						
6	9-275.						
7 8	(a) Subject to the appropriation process in the annual operating budget, the Department shall use the State Used Tire Cleanup and Recycling Fund solely:						
11 12	 (1) For removal, restoration, emergency, or remedial action, including the restoration of natural resources where feasible, site maintenance and monitoring, and fire cessation, if requested by a local government, not to exceed \$100,000 for each fire cessation emergency action in that jurisdiction, in response to the disposal or storage of scrap tires in violation of this subtitle, including: 						
16 17 18	4 (i) All costs incurred by the State in inspecting and monitoring any 5 site where scrap tires are processed, stored, or disposed of in violation of this subtitle 6 and assessing the threat to the public health and the environment of the site, the 7 costs of investigations conducted for the purpose of defining necessary remedial 8 action, and the costs of litigation expenses incurred in obtaining reimbursement for 9 expenditures; and						
20 21	(ii) All costs incurred in providing public information concerning a site where scrap tires are processed, stored, or disposed of; [and]						
24 25 26	 (2) FOR ACTIVITIES RELATED TO WATER QUALITY IMPROVEMENT <u>SCRAP TIRE RECYCLING PROGRAMS</u>, INCLUDING RESTORATION, REMEDIATION, RESEARCH, PLANNING, MONITORING, AND REMOVAL OF NUTRIENTS AT PUBLICLY OWNED SEWAGE TREATMENT WORKS IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION PUBLIC EDUCATION, AND MARKET DEVELOPMENT, AND FOR ASSOCIATED ADMINISTRATIVE COSTS; AND 						
28 29	[(2)] (3) With the approval of the board of public works, to provide financial assistance:						
30 31	(i) Through the service for projects approved by the Department to reduce, recover, and recycle scrap tires; and						
32 33	(ii) To the service for costs related to the implementation of scrap tire recycling systems, including the costs of:						
34 35	1. Preparation of a scrap tire recycling system under § 9-228(e) of this subtitle;						
36 37	2. Implementation of any program established by the service as a part of a scrap tire recycling system; and						

SENATE BILL 136

1 2	public scrap tire colle	ction, pro	3. ocessing,	Assisting in funding the establishment of a private or or recycling facility.			
5 6	(b) Subject to § 2-1246 of the State Government Article, the Department shall provide the standing committees of the Maryland General Assembly with primary jurisdiction over this section with a status report on the Fund on or before [July] NOVEMBER 1 of each year. The report shall include an accounting of all moneys expended for each of the purposes specified in subsection (a) of this section.						
-	(C) (1) REMOVAL OF NUT FOLLOWS:			EARS 2001, 2002, AND 2003, THE FUND MAY BE USED FOR BLICLY OWNED SEWAGE TREATMENT WORKS AS			
11		(I)	FOR FIS	SCAL YEAR 2001, UP TO \$5,000,000;			
12		(II)	FOR FIS	<u>SCAL YEAR 2002, UP TO \$3,000,000; AND</u>			
13		(III)	FOR FIS	SCAL YEAR 2003, UP TO \$1,000,000.			
	(2) SHALL BE ADMIN TITLE.			EXPENDED FROM THE FUND UNDER THIS SUBSECTION CORDANCE WITH §§ 9-345 THROUGH 9-351 OF THIS			
17	<u>9-276.</u>						
20 21 22 23	expenditures from the Department under § 9 of used tires at a part Used Tire Cleanup an	e State Ua 9-275(a)(icular site 1d Recycl	sed Tire (1) of this e shall be ling Fund	<u>TDED IN SUBSECTION (D) OF THIS SECTION, ALL</u> <u>Cleanup and Recycling Fund made by the</u> <u>s subtitle in response to the storage or disposal</u> <u>e reimbursed to the Department for the State</u> <u>d by the owner or operator of the site or any</u> <u>e stored or disposed of at the site in violation of</u>			
	 (b) In addition to any other legal action authorized by this subtitle, the Attorney General may bring an action to recover costs and interest from any person who fails to make reimbursement as required under subsection (a) of this section. 						
	$\frac{(c)}{9-275(a)(1)} \frac{\text{The Dep}}{\text{of this su}}$	btitle wh	ether or r	over costs incurred by the Department under § not the discarded tires were disposed of or			
	RELATED TO REM	OVAL, I	RESTOR	NOT APPLY TO EXPENDITURES OF \$10,000 OR LESS ATION, OR REMEDIAL ACTION IN RESPONSE TO THE P TIRES IN VIOLATION OF THIS SUBTITLE IF:			
~ ~							

34 (1) <u>THE OWNER OF THE SITE ACQUIRED THE PROPERTY CONTAINING</u>
 35 <u>THE SCRAP TIRES PRIOR TO JANUARY 1, 2000 BY INHERITANCE OR BEQUEST AT THE</u>
 36 <u>DEATH OF THE TRANSFEROR; AND</u>

4	SENATE BILL 136
1 2 <u>JANUARY 1</u>	(2) <u>THE TIRES WERE STORED OR DISPOSED OF AT THE SITE PRIOR TO</u> , 2000.
3	Chapter 627 of the Acts of 1997
	N 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall ctober 1, 1997[, and Section 2 of this Act shall take effect July 1, 2000].
	N 2. AND BE IT FURTHER ENACTED, That Section(s) 2 of Chapter f the General Assembly of 1997 be repealed.
8 <u>SECTIO</u> 9 <u>Environment</u>	N 3. AND BE IT FURTHER ENACTED, That the Department of the shall:
11 Recycling Fu	accelerate the expenditure of funds in the State Used Tire Cleanup and and in accordance with § 9-275 of the Environment Article. Accelerated from the Fund shall include expenditures for:
13	(1) cleaning up the remaining illegal scrap tire stockpiles;
15 implementin	(2) <u>in conjunction with the Maryland Environmental Service</u> , g scrap tire projects that are undertaken to promote the development of ogies for recycling scrap tires and to reduce, recover, and recycle scrap
	(3) expanding the scrap tire recycling system on a regional basis to tional processing and recycling capacity to manage more effectively the eration of tires; and
22 Fund require	in the annual status report on the State Used Tire Cleanup and Recycling d under § 9-275(b) of the Environment Article, include an accounting of spended for each of the purposes specified in this section.
24 SECTIO 25 effect July 1,	N 3. <u>4.</u> AND BE IT FURTHER ENACTED, That this Act shall take 2000.