
By: **Delegates Branch, V. Jones, Dypski, Harrison, C. Davis, Doory, Marriott, Oaks, Dobson, Hammen, Krysiak, Gladden, Phillips, Fulton, Montague, Hubers, Burns, and A. Jones**

Introduced and read first time: February 2, 2001
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 28, 2001

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 in addition to certain other
5 penalties for persons who violate certain scrap tire procedures; requiring the
6 Attorney General to take certain actions; ~~allowing the Department of the~~
7 ~~Environment to assess certain penalties and take certain enforcement actions;~~
8 and generally relating to the disposal of scrap tires.

9 BY repealing and reenacting, without amendments,
10 Article - Environment
11 Section 9-228(a)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Environment
16 Section 9-228(f) ~~and 9-268~~
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2000 Supplement)

19 BY adding to
20 Article - Environment
21 Section ~~9-267.1~~ 9-268.1

1 Annotated Code of Maryland
2 (1996 Replacement Volume and 2000 Supplement)

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

5 **Article - Environment**

6 9-228.

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

11 (f) (1) (I) Except as provided in [paragraph (2) of this subsection]
12 SUBPARAGRAPH (II) OF THIS PARAGRAPH, after January 1, 1994 scrap tires may not
13 be disposed of in a landfill.

14 [(2)] (II) The Secretary may waive the requirements of [paragraph (1) of
15 this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH under such terms and
16 conditions and for such periods as the Department considers appropriate if the
17 Department determines that a scrap tire recycling system:

18 [(i)] 1. Does not exist; or

19 [(ii)] 2. Has insufficient capacity to accommodate the amount of
20 scrap tires generated in the State.

21 (2) A PERSON MAY NOT DISPOSE OF SCRAP TIRES EXCEPT THROUGH A
22 LICENSED SCRAP TIRE HAULER OR BY DELIVERING THE TIRES TO AN APPROVED
23 FACILITY.

24 ~~9-267.1. 9-268.1.~~

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

28 (A) IN ADDITION TO OTHER PENALTIES AUTHORIZED UNDER THIS SUBTITLE:

29 ~~(2)~~ (1) A PERSON WHO VIOLATES § 9-228(F)(2) OF THIS SUBTITLE IS
30 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
31 EXCEEDING \$1,000, OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH;

32 ~~(3)~~ (2) A PERSON WHO VIOLATES § 9-228(F)(2) OF THIS SUBTITLE FOR
33 MONETARY OR FINANCIAL GAIN IS GUILTY OF A MISDEMEANOR AND ON
34 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT NOT
35 EXCEEDING 5 YEARS OR BOTH; AND

1 (4) (3) A PERSON WHO VIOLATES § 9-228(B), (H)(1), (I)(1), OR (J)(1) OF
2 THIS SUBTITLE, OR A REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER
3 § 9-228(B), (H)(1), (I)(1), OR (J)(1) OF THIS SUBTITLE, IS GUILTY OF A MISDEMEANOR
4 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.

5 (B) ~~THE DEPARTMENT MAY BRING AN ACTION TO ENJOIN A PERSON WHO
6 VIOLATES ANY PROVISION OF § 9-228 OF THIS SUBTITLE OR A REGULATION, ORDER,
7 OR PERMIT ADOPTED OR ISSUED BY THE DEPARTMENT UNDER § 9-228 OF THIS
8 SUBTITLE.~~

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

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

16 (2) ~~THE DEPARTMENT MAY IMPOSE A PENALTY FOR A VIOLATION OF §
17 9-228 OF THIS SUBTITLE OR A REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED
18 UNDER § 9-228 OF THIS SUBTITLE.~~

19 (3) ~~THE PENALTY IMPOSED ON A PERSON UNDER THIS SUBSECTION
20 SHALL BE:~~

21 (I) ~~UP TO \$1,000 FOR EACH VIOLATION, BUT NOT EXCEEDING
22 \$50,000 TOTAL; AND~~

23 (H) ~~ASSESSED WITH CONSIDERATION GIVEN TO:~~

24 1. ~~THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO
25 WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO BUT UNCORRECTED BY
26 THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED
27 REASONABLE CARE;~~

28 2. ~~ANY ACTUAL HARM TO THE ENVIRONMENT OR TO HUMAN
29 HEALTH;~~

30 3. ~~THE COST OF CLEANUP AND THE COST OF RESTORATION
31 OF NATURAL RESOURCES;~~

32 4. ~~THE NATURE AND DEGREE OF INJURY TO OR
33 INTERFERENCE WITH GENERAL WELFARE, HEALTH, AND PROPERTY;~~

34 5. ~~THE EXTENT TO WHICH THE LOCATION OF THE
35 VIOLATION CREATES THE POTENTIAL FOR HARM TO THE ENVIRONMENT OR TO
36 HUMAN HEALTH OR SAFETY;~~

