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By: **Prince George's County Delegation**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Waste Transfer Stations - Distance from Schools**  
3 **PG 410-01**

4 FOR the purpose of prohibiting a person from constructing or operating a waste  
5 transfer station within a certain distance of an institution of higher education in  
6 Prince George's County; providing for certain exceptions; and generally relating  
7 to the construction or operation of a waste transfer station in Prince George's  
8 County.

9 BY repealing and reenacting, with amendments,  
10 Article - Environment  
11 Section 9-204  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 2000 Supplement)

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

16 **Article - Environment**

17 9-204.

18 (a) This section applies to any water supply system, sewerage system, refuse  
19 disposal system that is for public use, or any refuse disposal system that is a solid  
20 waste acceptance facility as defined in § 9-501(n) of this title if the solid waste  
21 acceptance facility is installed, altered, or extended after July 1, 1988.

22 (b) (1) The Secretary may adopt reasonable and proper regulations for  
23 submission of plans. These regulations may include the collection of a fee at the time  
24 of application for:

25 (i) A permit issued under this section for a privately owned water  
26 supply or sewerage system; or

1 (ii) A permit applied for by a local unit of government for a  
2 privately financed water supply or sewerage system.

3 (2) The Secretary shall provide the regulated community an opportunity  
4 to participate in the rate setting and regulatory processes.

5 (c) (1) Before a person draws plans or submits an application under this  
6 section for a proposed water supply system, sewerage system, or refuse disposal  
7 system, the person may submit to the Secretary a preliminary statement on the  
8 proposed system.

9 (2) At the request of the person, the Secretary shall outline the general  
10 requirements that must be met before the Secretary would approve the proposed  
11 system.

12 (d) A person shall have a permit issued by the Secretary under this section  
13 before the person installs, materially alters, or materially extends a water supply  
14 system, sewerage system, or refuse disposal system.

15 (e) An applicant for a permit shall:

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

17 (i) The complete plans and specifications for the installation,  
18 alteration, or extension of the water supply system, sewerage system, or refuse  
19 disposal system;

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

25 (iii) Any other information that the Secretary requires;

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

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

29 (f) Results of any groundwater and surface water impact analysis required  
30 under subsection (e)(1)(ii) of this section may be a basis for the Secretary's denial of a  
31 permit.

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

34 (i) Examine the application without delay; and

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

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2. Disapprove the application; or

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

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

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

9 (i) The application is approved automatically; and

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

11 (h) A person may not:

12 (1) Install, materially alter, or materially extend a water supply system,  
13 sewerage system, or refuse disposal system in this State except in accordance with a  
14 permit issued to the person by the Secretary under this section; or

15                   (2)     Embody any material change in construction until the Secretary has  
16 issued a revised permit based on the submission to the Secretary under subsection  
17 (e)(2) of this section.

18 (i) After a person completes work under a permit, the person shall submit to  
19 the Secretary for permanent record a certified copy of the plans that shows the work  
20 as built.

21 (j) An owner or operator of an incinerator may not accept more than 150 tons  
22 per day of special medical waste, as defined in Title 26, Subtitle 13, Chapter 11 of the  
23 Code of Maryland Regulations.

24 (k) (1) The Secretary may not issue any permit, including a permit under  
25 subsection (d) of this section or § 7-232 of this article, to construct or operate a  
26 municipal waste incinerator for disposal of a solid waste stream, as defined in §  
27 9-1701 of this title, within 1 mile of a public or private elementary or secondary  
28 school.

29                   (2)       A person may not construct or operate a municipal waste incinerator  
30 for disposal of a solid waste stream, as defined in § 9-1701 of this title, within 1 mile  
31 of a public or private elementary or secondary school.

32           (3)     This subsection may not be construed to prohibit:

(i) The operation, construction, reconstruction, replacement, expansion, and material alteration or extension of an incinerator that was operating as a resource recovery facility on January 1, 1997; or

1 (ii) The issuance of permits necessary for the operation,  
2 construction, reconstruction, replacement, expansion, and material alteration or  
3 extension of an incinerator that was operating on January 1, 1997.

4 (L) (1) THE SECRETARY MAY NOT ISSUE ANY PERMIT, INCLUDING A PERMIT  
5 UNDER SUBSECTION (D) OF THIS SECTION, TO CONSTRUCT OR OPERATE A TRANSFER  
6 STATION FOR DISPOSAL OF SOLID WASTE WITHIN 3 MILES OF AN INSTITUTION OF  
7 HIGHER EDUCATION IN PRINCE GEORGE'S COUNTY.

8 (2) A PERSON MAY NOT CONSTRUCT OR OPERATE A TRANSFER STATION  
9 FOR THE DISPOSAL OF SOLID WASTE WITHIN 3 MILES OF AN INSTITUTION OF  
10 HIGHER EDUCATION IN PRINCE GEORGE'S COUNTY.

11 (3) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT:

12 (I) THE OPERATION, CONSTRUCTION, RECONSTRUCTION,  
13 REPLACEMENT, EXPANSION, OR MATERIAL ALTERATION OR EXTENSION OF A  
14 TRANSFER STATION THAT WAS OPERATING ON JANUARY 1, 2000; OR

15 (II) THE ISSUANCE OF A PERMIT THAT IS NECESSARY FOR THE  
16 OPERATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, EXPANSION, OR  
17 MATERIAL ALTERATION OR EXTENSION OF A TRANSFER STATION THAT WAS  
18 OPERATING ON JANUARY 1, 2000.

19 [(1)] (M) (1) In this subsection, "trade secret" has the meaning provided in §  
20 11-1201 of the Commercial Law Article.

21 (2) The Department shall prepare an annual report identifying the  
22 amount of solid waste by weight or volume, disposed of in the State during the  
23 previous year.

24 (3) The report required under paragraph (2) of this subsection shall  
25 identify:

26 (i) The following solid waste categories:

- 27 1. Construction and demolition debris;
- 28 2. Incinerator ash;
- 29 3. Industrial waste;
- 30 4. Land clearing debris;
- 31 5. Municipal solid waste; and
- 32 6. Any other solid waste identified by the Department;

33 (ii) The amount of solid waste disposed of in the State that is  
34 generated outside of the State;

- 1 (iii) The jurisdictions where the solid waste originated;
- 2 (iv) The amount of solid waste generated in the State that is  
3 transported outside of the State for disposal; and
- 4 (v) An estimate of the amount of solid waste managed or disposed  
5 of by:
- 6 1. Recycling;
- 7 2. Composting;
- 8 3. Landfilling; and
- 9 4. Incineration.
- 10 (4) (i) All permitted solid waste acceptance facilities shall at least  
11 annually provide to the Department information that is necessary to prepare the  
12 report required under paragraph (2) of this subsection.
- 13 (ii) Under subparagraph (i) of this paragraph, a facility owner may  
14 provide the following information:
- 15 1. An accounting of the facility's economic benefits provided  
16 to the locality where the facility is located;
- 17 2. The value of disposal and recycling facilities provided to  
18 the locality at no cost or reduced cost;
- 19 3. Direct employment associated with the facility; and
- 20 4. Other economic benefits resulting from the facility during  
21 the preceding calendar year.
- 22 (5) Beginning September 1, 2000, the Department shall annually  
23 submit, in accordance with § 2-1246 of the State Government Article, a report of the  
24 activities undertaken and the progress made in accordance with this section to:
- 25 (i) The House Environmental Matters Committee; and
- 26 (ii) The Senate Economic and Environmental Affairs Committee.
- 27 (6) A facility owner is not required to provide information under  
28 paragraph (4) of this subsection that is a trade secret.
- 29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2001.