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(PRE-FILED)

By: Senators Green, Currie, and Lawlah

Requested: September 11, 2000

Introduced and read first time: January 10, 2001 Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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	ΔN	Δ ()	concerning
	7 11 4	1101	concerning

2 Waste Transfer Stations - Distance from Schools

- 3 FOR the purpose of prohibiting any person from constructing or operating a waste
- 4 transfer station within a certain distance of an institution of higher education;
- 5 providing for certain exceptions; and generally relating to the construction or
- 6 operation of a waste transfer station.
- 7 BY repealing and reenacting, with amendments,
- 8 Article Environment
- 9 Section 9-204
- 10 Annotated Code of Maryland
- 11 (1996 Replacement Volume and 2000 Supplement)
- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 13 MARYLAND, That the Laws of Maryland read as follows:

14 Article - Environment

15 9-204.

- 16 (a) This section applies to any water supply system, sewerage system, refuse
- 17 disposal system that is for public use, or any refuse disposal system that is a solid
- 18 waste acceptance facility as defined in § 9-501(n) of this title if the solid waste
- 19 acceptance facility is installed, altered, or extended after July 1, 1988.
- 20 (b) (1) The Secretary may adopt reasonable and proper regulations for
- 21 submission of plans. These regulations may include the collection of a fee at the time
- 22 of application for:
- 23 (i) A permit issued under this section for a privately owned water
- 24 supply or sewerage system; or
- 25 (ii) A permit applied for by a local unit of government for a
- 26 privately financed water supply or sewerage system.

1 2	(2) The Secretary shall provide the regulated community an opportunity to participate in the rate setting and regulatory processes.			
5	(c) (1) Before a person draws plans or submits an application under this section for a proposed water supply system, sewerage system, or refuse disposal system, the person may submit to the Secretary a preliminary statement on the proposed system.			
	(2) At the request of the person, the Secretary shall outline the general requirements that must be met before the Secretary would approve the proposed system.			
	(d) A person shall have a permit issued by the Secretary under this section before the person installs, materially alters, or materially extends a water supply system, sewerage system, or refuse disposal system.			
13	(e) An applicant for a permit shall:			
14	(1) Submit to the Secretary an application that contains:			
	(i) The complete plans and specifications for the installation, alteration, or extension of the water supply system, sewerage system, or refuse disposal system;			
20 21	(ii) For any application related to any solid waste acceptance facility in the areas of Baltimore City designated by the United States Post Office as zip code numbers 21225, 21226, and 21230, a groundwater and surface water impact analysis prepared at the expense of the applicant regarding the proposed installation, alteration, or extension; and			
23	(iii) Any other information that the Secretary requires;			
24 25	(2) Submit to the Secretary any material change in the plans and specifications, with the reason for the change; and			
26	(3) Pay the permit fee set by the Department.			
	Results of any groundwater and surface water impact analysis required under subsection (e)(1)(ii) of this section may be a basis for the Secretary's denial of a permit.			
30 31	(g) (1) When a person applies for a permit and pays the fee under this section, the Secretary shall:			
32	(i) Examine the application without delay; and			
33	(ii) 1. Approve the application and issue the permit;			
34	2. Disapprove the application; or			

1 2	approve the application.	3.	State the conditions under which the Secretary wo	ould	
		of fee for a per	all act within 30 working days after receiving an rmit under this section for a water distribution		
6 7	(3) If this subsection:	the Secretary d	does not act within the time set by paragraph (2) of		
8	(i)	The appl	plication is approved automatically; and		
9	(ii) The Secr	cretary shall issue a permit for the work.		
10	(h) A person m	nay not:			
	sewerage system, or refu	ise disposal sys	y alter, or materially extend a water supply system, stem in this State except in accordance with a retary under this section; or		
		• •	terial change in construction until the Secretary has abmission to the Secretary under subsection	;	
			work under a permit, the person shall submit to ertified copy of the plans that shows the work		
		al waste, as def	an incinerator may not accept more than 150 tons efined in Title 26, Subtitle 13, Chapter 11 of the		
25 26	3 (k) (1) The Secretary may not issue any permit, including a permit under 4 subsection (d) of this section or § 7-232 of this article, to construct or operate a 5 municipal waste incinerator for disposal of a solid waste stream, as defined in § 6 9-1701 of this title, within 1 mile of a public or private elementary or secondary 5 school.				
	* *	aste stream, as	ot construct or operate a municipal waste incinerator defined in § 9-1701 of this title, within 1 mile condary school.	r	
31	(3) Th	nis subsection n	may not be construed to prohibit:		
		alteration or ex	eration, construction, reconstruction, replacement, xtension of an incinerator that was operating ary 1, 1997; or		

			placeme	ance of permits necessary for the operation, nt, expansion, and material alteration or rating on January 1, 1997.	
6	(L) (1) THE SECRETARY MAY NOT ISSUE ANY PERMIT, INCLUDING A PERMIT ISSUED UNDER SUBSECTION (D) OF THIS SECTION, TO CONSTRUCT OR OPERATE A TRANSFER STATION FOR THE DISPOSAL OF SOLID WASTE WITHIN 3 MILES OF AN INSTITUTION OF HIGHER EDUCATION.				
	(2) FOR THE DISPOSA HIGHER EDUCATI	L OF SO		Y NOT CONSTRUCT OR OPERATE A TRANSFER STATION STE WITHIN 3 MILES OF AN INSTITUTION OF	
11	(3)	THIS SU	JBSECT	ION MAY NOT BE CONSTRUED TO PROHIBIT:	
			ON, OR	PERATION, CONSTRUCTION, RECONSTRUCTION, MATERIAL ALTERATION OR EXTENSION OF A DPERATING ON JANUARY 1, 2000; OR	
17	(II) THE ISSUANCE OF A PERMIT THAT IS NECESSARY FOR THE OPERATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, EXPANSION, OR MATERIAL ALTERATION OR EXTENSION OF A TRANSFER STATION THAT WAS OPERATING ON JANUARY 1, 2000.				
19 20	9 [(1)] (M) (1) In this subsection, "trade secret" has the meaning provided in § 0 11-1201 of the Commercial Law Article.				
	(2) amount of solid wast previous year.			shall prepare an annual report identifying the ume, disposed of in the State during the	
24 25	(3) identify:	The repo	ort requir	ed under paragraph (2) of this subsection shall	
26		(i)	The follo	owing 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 34	generated outside of	(ii) the State;		ount of solid waste disposed of in the State that is	

1	((iii)	The juri	sdictions where the solid waste originated;
2 3	transported outside of t			ount of solid waste generated in the State that is osal; and
4 5	of by:	(v)	An estin	nate of the amount of solid waste managed or disposed
6			1.	Recycling;
7			2.	Composting;
8			3.	Landfilling; and
9			4.	Incineration.
	(4) (i) All permitted solid waste acceptance facilities shall at least annually provide to the Department information that is necessary to prepare the report required under paragraph (2) of this subsection.			
13 14	provide the following	. ,		ubparagraph (i) of this paragraph, a facility owner may
15 16	to the locality where the	ne facilit	1. y is loca	An accounting of the facility's economic benefits provided ted;
17 18	the locality at no cost		2. ed cost;	The value of disposal and recycling facilities provided to
19			3.	Direct employment associated with the facility; and
20 21	the preceding calendar		4.	Other economic benefits resulting from the facility during
	Beginning September 1, 2000, the Department shall annually submit, in accordance with § 2-1246 of the State Government Article, a report of the activities undertaken and the progress made in accordance with this section to:			
25	•	(i)	The Hou	ase Environmental Matters Committee; and
26	•	(ii)	The Sen	ate Economic and Environmental Affairs Committee.
27 28	(6) paragraph (4) of this s			is not required to provide information under a trade secret.
29 30	SECTION 2. ANI October 1, 2001.	BE IT	FURTHI	ER ENACTED, That this Act shall take effect