

SENATE BILL 8

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2001 Regular Session
11r0458
CF 11r0933

(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

1 AN ACT 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 (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 ISSUED UNDER SUBSECTION (D) OF THIS SECTION, TO CONSTRUCT OR OPERATE A
6 TRANSFER STATION FOR THE DISPOSAL OF SOLID WASTE WITHIN 3 MILES OF AN
7 INSTITUTION OF HIGHER EDUCATION.

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.

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.