

SENATE BILL 8

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2001 Regular Session  
11r0458  
CF 11r0933

(PRE-FILED)

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By: **Senators Green, Currie, and Lawlah**  
Requested: September 11, 2000  
Introduced and read first time: January 10, 2001  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: April 1, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Waste Transfer Stations - Distance from ~~Schools~~ University**

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 Bowie State University; providing for certain exceptions; and generally relating  
6 to the construction or 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.

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

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

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

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

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

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

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

20 (e) An applicant for a permit shall:

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

22 (i) The complete plans and specifications for the installation,  
23 alteration, or extension of the water supply system, sewerage system, or refuse  
24 disposal system;

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

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

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

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

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

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

- 3 (i) Examine the application without delay; and
- 4 (ii) 1. Approve the application and issue the permit;
- 5 2. Disapprove the application; or
- 6 3. State the conditions under which the Secretary would  
7 approve the application.

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

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

- 13 (i) The application is approved automatically; and
- 14 (ii) The Secretary shall issue a permit for the work.

15 (h) A person may not:

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

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

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

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

28 (k) (1) The Secretary may not issue any permit, including a permit under  
29 subsection (d) of this section or § 7-232 of this article, to construct or operate a  
30 municipal waste incinerator for disposal of a solid waste stream, as defined in §  
31 9-1701 of this title, within 1 mile of a public or private elementary or secondary  
32 school.

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

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

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

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

8 (L) (1) THE SECRETARY MAY NOT ISSUE ANY PERMIT, INCLUDING A PERMIT  
9 ISSUED UNDER SUBSECTION (D) OF THIS SECTION, TO CONSTRUCT OR OPERATE A  
10 TRANSFER STATION FOR THE DISPOSAL OF SOLID WASTE WITHIN ~~3~~ 2 MILES OF ~~AN~~  
11 ~~INSTITUTION OF HIGHER EDUCATION~~ BOWIE STATE UNIVERSITY.

12 (2) A PERSON MAY NOT CONSTRUCT OR OPERATE A TRANSFER STATION  
13 FOR THE DISPOSAL OF SOLID WASTE WITHIN ~~3~~ 2 MILES OF ~~AN INSTITUTION OF~~  
14 ~~HIGHER EDUCATION~~ BOWIE STATE UNIVERSITY.

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

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

19 (II) THE ISSUANCE OF A PERMIT THAT IS NECESSARY FOR THE  
20 OPERATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, EXPANSION, OR  
21 MATERIAL ALTERATION OR EXTENSION OF A TRANSFER STATION THAT WAS  
22 OPERATING ON JANUARY 1, 2000.

23 [(1)] (M) (1) In this subsection, "trade secret" has the meaning provided in §  
24 11-1201 of the Commercial Law Article.

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

28 (3) The report required under paragraph (2) of this subsection shall  
29 identify:

30 (i) The following solid waste categories:

31 1. Construction and demolition debris;

32 2. Incinerator ash;

33 3. Industrial waste;

34 4. Land clearing debris;

35 5. Municipal solid waste; and



1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2001.