

SENATE BILL 850

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2002 Regular Session
2lr2924
CF 2lr1079

By: **Senator Currie**

Introduced and read first time: February 18, 2002

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Solid Waste Acceptance Facilities - Moratorium**
3 **and Task Force**

4 FOR the purpose of prohibiting the approval of certain solid waste acceptance
5 facilities in Prince George's County that are accessible from certain roadways;
6 prohibiting the issuance or use of certain permits before a certain date under
7 certain circumstances; establishing a Prince George's County Task Force on
8 Solid Waste Equity; establishing the membership, charge, responsibilities, and
9 staffing of the Task Force; prohibiting the use of certain permits before a certain
10 date under certain circumstances; providing for the application of this Act;
11 providing for the effective date and termination of this Act; and generally
12 relating to solid waste facilities in Prince George's County.

13 BY adding to
14 Article 28 - Maryland-National Capital Park and Planning Commission
15 Section 8-110.3 and 8-110.4
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 2001 Supplement)

18 BY adding to
19 Article - Environment
20 Section 9-213.1
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 2001 Supplement)

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

25 **Article 28 - Maryland-National Capital Park and Planning Commission**

26 8-110.3.

27 (A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

1 (B) APPROVAL MAY NOT BE GRANTED UNDER THIS ARTICLE FOR A TRANSFER
2 STATION OR OTHER SOLID WASTE ACCEPTANCE FACILITY, AS DEFINED IN § 9-501 OF
3 THE ENVIRONMENT ARTICLE, THAT IS LOCATED IN PRINCE GEORGE'S COUNTY AND
4 THAT:

5 (1) IS ACCESSIBLE FROM A RESIDENTIAL ROADWAY, AS DEFINED IN
6 REGULATIONS AND GUIDELINES OF THE PRINCE GEORGE'S COUNTY DEPARTMENT
7 OF PUBLIC WORKS; OR

8 (2) (I) IS ACCESSIBLE FROM A COLLECTOR ROADWAY, AS DEFINED IN
9 REGULATIONS AND GUIDELINES OF THE PRINCE GEORGE'S COUNTY DEPARTMENT
10 OF PUBLIC WORKS; AND

11 (II) REQUIRES THE USE OF MORE THAN 1,000 FEET OF COLLECTOR
12 ROADWAY FOR ACCESS TO THE STATION OR FACILITY.

13 (C) (1) A VARIANCE MAY NOT BE GRANTED UNDER THIS ARTICLE FOR A
14 SETBACK, SCREENING, OR OTHER DIMENSIONAL REQUIREMENT FOR A SOLID WASTE
15 ACCEPTANCE FACILITY.

16 (2) A PERMIT GRANTED UNDER THIS ARTICLE FOR A SOLID WASTE
17 ACCEPTANCE FACILITY ON OR AFTER JANUARY 1, 2000 THAT INCORPORATES A
18 WAIVER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE STAYED AND
19 MAY NOT BE EFFECTIVE UNTIL JULY 1, 2005.

20 8-110.4.

21 (A) THERE IS A PRINCE GEORGE'S COUNTY TASK FORCE ON SOLID WASTE
22 EQUITY.

23 (B) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

24 (1) ONE MEMBER OF THE PRINCE GEORGE'S COUNTY DELEGATION TO
25 THE HOUSE OF DELEGATES, APPOINTED BY THE CHAIRMAN OF THE DELEGATION;

26 (2) ONE MEMBER OF THE PRINCE GEORGE'S COUNTY DELEGATION TO
27 THE SENATE OF MARYLAND, APPOINTED BY THE CHAIRMAN OF THE DELEGATION;

28 (3) ONE MEMBER DESIGNATED BY THE COUNTY EXECUTIVE;

29 (4) ONE MEMBER DESIGNATED BY THE CHAIRMAN OF THE COUNTY
30 COUNCIL;

31 (5) THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S
32 DESIGNEE;

33 (6) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
34 SECRETARY'S DESIGNEE;

35 (7) ONE REPRESENTATIVE OF THE PRINCE GEORGE'S COUNTY HEALTH
36 DEPARTMENT;

1 (8) TWO MEMBERS OF CITIZENS' GROUPS CONCERNED WITH SOLID
2 WASTE ISSUES IN PRINCE GEORGE'S COUNTY, ONE APPOINTED BY THE CHAIRMAN OF
3 THE COUNTY DELEGATION TO THE HOUSE OF DELEGATES, AND ONE APPOINTED BY
4 THE CHAIRMAN OF THE COUNTY DELEGATION TO THE SENATE OF MARYLAND;

5 (9) TWO REPRESENTATIVES OF MUNICIPAL CORPORATIONS IN PRINCE
6 GEORGE'S COUNTY, ONE APPOINTED BY THE CHAIRMAN OF THE COUNTY
7 DELEGATION TO THE HOUSE OF DELEGATES, AND ONE APPOINTED BY THE
8 CHAIRMAN OF THE COUNTY DELEGATION TO THE SENATE OF MARYLAND;

9 (10) ONE MEMBER OF THE SOLID WASTE INDUSTRY IN THE COUNTY,
10 APPOINTED BY THE COUNTY EXECUTIVE; AND

11 (11) THREE MEMBERS OF THE GENERAL PUBLIC JOINTLY APPOINTED BY
12 THE CHAIRMEN OF THE COUNTY DELEGATIONS TO THE HOUSE OF DELEGATES AND
13 THE SENATE OF MARYLAND.

14 (C) THE CHAIRMEN OF THE HOUSE AND SENATE DELEGATIONS OF THE
15 COUNTY SHALL SELECT THE CHAIRMAN OF THE TASK FORCE.

16 (D) THE MEMBERS OF THE TASK FORCE ARE NOT ENTITLED TO
17 COMPENSATION FOR SERVING ON THE TASK FORCE.

18 (E) THE TASK FORCE SHALL:

19 (1) STUDY THE IMPACT OF CURRENT AND PROPOSED LAND USE AND
20 PERMITTING DECISIONS RELATING TO SOLID WASTE ON THE NORTHERN, CENTRAL,
21 AND SOUTHERN PORTIONS OF THE COUNTY;

22 (2) STUDY THE IMPACT OF PLACEMENT OF SOLID WASTE ON THE
23 ECONOMIC AND SOCIAL ENVIRONMENT OF COMMUNITIES IN THE COUNTY;

24 (3) ASSESS THE IMPLICATIONS OF PLACEMENT OF SOLID WASTE
25 FACILITIES IN RELATION TO ENVIRONMENTAL JUSTICE AND FEDERAL CIVIL RIGHTS
26 LAWS;

27 (4) DEVELOP MORE EQUITABLE DISTRIBUTION OF SOLID WASTE
28 FACILITIES TO SERVE THE CITIZENS OF PRINCE GEORGE'S COUNTY; AND

29 (5) RECOMMEND TO THE COUNTY DELEGATIONS TO THE HOUSE OF
30 DELEGATES AND THE SENATE OF MARYLAND AND TO THE COUNTY EXECUTIVE,
31 STRATEGIES TO INCREASE THE EQUITABLE ALLOCATION OF SOLID WASTE
32 FACILITIES IN THE COUNTY, INCLUDING RECOMMENDATIONS FOR NECESSARY
33 LEGISLATION AND REGULATORY CHANGES.

34 (F) THE TASK FORCE SHALL CONDUCT PUBLIC MEETINGS TO OBTAIN
35 COMMENT FROM INTERESTED PARTIES AND COMMUNITIES THROUGHOUT THE
36 COUNTY.

1 (G) THE DEPARTMENT OF THE ENVIRONMENT AND THE COUNTY HEALTH
2 DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE.

3 (H) THE TASK FORCE SHALL REPORT TO THE COUNTY EXECUTIVE AND,
4 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE COUNTY
5 DELEGATIONS OF THE HOUSE OF DELEGATES AND THE SENATE OF MARYLAND ON
6 OR BEFORE JANUARY 1, 2004 AND JANUARY 1, 2005 ON THE PROGRESS OF ITS STUDY
7 AND ON ITS RECOMMENDATIONS.

8 **Article - Environment**

9 9-213.1.

10 (A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

11 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A PERSON
12 WHO HOLDS A PERMIT UNDER THIS SUBTITLE TO OPERATE A SOLID WASTE
13 ACCEPTANCE FACILITY, AS DEFINED IN § 9-501 OF THIS TITLE, BUT HAS NOT BEGUN
14 TO ACCEPT SOLID WASTE AT THE FACILITY AS OF APRIL 10, 2002 MAY NOT OPERATE
15 THE LANDFILL OR TRANSFER STATION BEFORE JULY 1, 2005.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
17 construed to apply retroactively and shall be applied to and interpreted to affect any
18 permit to operate a landfill or transfer station that was issued as of April 10, 2002,
19 but for which the facility had not begun to accept solid waste as of that date.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 June 1, 2002. It shall remain effective for a period of 3 years and 1 month and, at the
22 end of June 30, 2005, with no further action required by the General Assembly, this
23 Act shall be abrogated and of no further force and effect.