

HOUSE BILL 377
EMERGENCY BILL

Unofficial Copy
L5

2003 Regular Session
3lr0222

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

Introduced and read first time: February 4, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Solid Waste Acceptance Facilities - Moratorium**
3 **and Task Force**
4 **MC/PG 101-03**

5 FOR the purpose of prohibiting the approval of certain solid waste acceptance
6 facilities in Prince George's County before a certain date, with certain
7 exceptions; prohibiting the issuance or use of certain permits before a certain
8 date under certain circumstances, with certain exceptions; establishing the
9 Prince George's County Task Force on Solid Waste Equity; establishing the
10 membership, charge, responsibilities, and staffing of the Task Force; prohibiting
11 the use of certain permits before a certain date under certain circumstances;
12 providing for the construction and application of this Act; making this Act an
13 emergency measure; providing for the termination of this Act; and generally
14 relating to solid waste facilities in Prince George's County.

15 BY adding to
16 Article 28 - Maryland-National Capital Park and Planning Commission
17 Section 8-110.3 and 8-110.4
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 2002 Supplement)

20 BY adding to
21 Article - Environment
22 Section 9-213.1
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 2002 Supplement)

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

Article 28 - Maryland-National Capital Park and Planning Commission

8-110.3.

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

(B) (1) A PERMIT OR APPROVAL MAY NOT BE GRANTED UNDER THIS ARTICLE FOR A TRANSFER STATION OR OTHER SOLID WASTE ACCEPTANCE FACILITY, AS DEFINED IN § 9-501 OF THE ENVIRONMENT ARTICLE, THAT WOULD BEGIN ACCEPTING SOLID WASTE BEFORE JULY 1, 2004.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE GRANTING OF A PERMIT UNDER THIS ARTICLE THAT MAY BE REQUIRED TO OBTAIN A RENEWAL OF AN EXISTING PERMIT TO OPERATE A SOLID WASTE ACCEPTANCE FACILITY, IF THE RENEWAL DOES NOT INVOLVE AN EXPANSION OF THE AREA OR HEIGHT OF PERMITTED ACTIVITY AS OF APRIL 7, 2003.

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

8-110.4.

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

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

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

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

(3) ONE MEMBER DESIGNATED BY THE COUNTY EXECUTIVE;

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

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

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

(7) ONE REPRESENTATIVE OF THE PRINCE GEORGE'S COUNTY HEALTH DEPARTMENT, APPOINTED BY THE COUNTY EXECUTIVE;

(8) TWO MEMBERS OF CITIZENS' GROUPS CONCERNED WITH SOLID WASTE ISSUES IN PRINCE GEORGE'S COUNTY, ONE APPOINTED BY THE CHAIRMAN OF

1 THE COUNTY DELEGATION TO THE HOUSE OF DELEGATES, AND ONE APPOINTED BY
2 THE CHAIRMAN OF THE COUNTY DELEGATION TO THE SENATE OF MARYLAND;

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

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

9 (11) ONE COMMERCIAL USER OF SOLID WASTE DISPOSAL SERVICES IN
10 THE COUNTY, APPOINTED BY THE COUNTY EXECUTIVE; AND

11 (12) TWO 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 PRINCE
15 GEORGE'S 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 LAW;

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 PRINCE GEORGE'S COUNTY DELEGATIONS TO
30 THE HOUSE OF DELEGATES AND THE SENATE OF MARYLAND AND TO THE PRINCE
31 GEORGE'S COUNTY EXECUTIVE, STRATEGIES TO INCREASE THE EQUITABLE
32 ALLOCATION OF SOLID WASTE FACILITIES IN THE COUNTY, INCLUDING
33 RECOMMENDATIONS FOR NECESSARY 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 SEPTEMBER 1, 2003 ON THE RESULTS OF ITS STUDY AND ON ITS
7 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:

12 (1) THE DEPARTMENT MAY NOT ISSUE A PERMIT TO OPERATE A SOLID
13 WASTE ACCEPTANCE FACILITY, AS DEFINED IN § 9-501 OF THIS TITLE, IN THE
14 COUNTY THAT WOULD ALLOW OPERATION OF THE FACILITY TO BEGIN BEFORE JULY
15 1, 2004; AND

16 (2) A PERSON THAT HOLDS A PERMIT UNDER THIS SUBTITLE TO
17 OPERATE A SOLID WASTE ACCEPTANCE FACILITY, AS DEFINED IN § 9-501 OF THIS
18 TITLE, BUT HAS NOT BEGUN TO ACCEPT SOLID WASTE AT THE FACILITY AS OF APRIL
19 7, 2003 MAY NOT OPERATE THE SOLID WASTE ACCEPTANCE FACILITY BEFORE JULY 1,
20 2004.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
22 construed to apply retroactively and shall be applied to and interpreted to affect any
23 permit to operate a solid waste acceptance facility, or any other permit or approval
24 described in this Act, that was issued as of April 7, 2003, but for which the facility had
25 not begun to accept solid waste as of that date.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
27 measure, is necessary for the immediate preservation of the public health or safety,
28 has been passed by a ye and nay vote supported by three-fifths of all the members
29 elected to each of the two Houses of the General Assembly, and shall take effect from
30 the date it is enacted. It shall remain effective through June 30, 2004, and, at the end
31 of June 30, 2004, with no further action required by the General Assembly, this Act
32 shall be abrogated and of no further force and effect.