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By: **Delegate C. Davis**Introduced and read first time: February 26, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

Department of the Environment - Rubble Landfills - Location FOR the purpose of prohibiting the Secretary of the Environment from issuing a certain permit to construct or operate a rubble landfill within a certain distance

- 5 of Bowie State University or St. John AME Church; making this Act an
- 6 emergency measure; and generally relating to permits for rubble landfills.
- 7 BY repealing and reenacting, with amendments,
- 8 Article Environment
- 9 Section 9-204
- 10 Annotated Code of Maryland
- 11 (1996 Replacement Volume and 2002 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					all provide the regulated community an opportunity latory 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.									
			At the request of the person, the Secretary shall outline the general t must be met before the Secretary would approve the proposed							
	before the per	d) A person shall have a permit issued by the Secretary under this section te the person installs, materially alters, or materially extends a water supply m, sewerage system, or refuse disposal system.								
13	(e)	An applicant for a permit shall:								
14		(1)	Submit t	to the Sec	retary 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 othe	er information that the Secretary requires;					
24 25	specifications	(2) s, with th			retary any material change in the plans and hange; and					
26	1	(3)	Pay the 1	permit fee	e set by the Department.					
	(f) 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) section, the S			person ap	oplies for a permit and pays the fee under this					
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. on.	State the conditions under which the Secretary would					
	(2) The Secretary shall act within 30 working days after receiving an application and payment of fee for a permit under this section for a water distribution line or a sewage collection line.							
6 7	(3) this subsection:	If the Secreta	ry does not act within the time set by paragraph (2) of					
8		(i) The	application is approved automatically; and					
9		(ii) The	Secretary shall issue a permit for the work.					
10	(h) A person	n may not:						
	sewerage system, or	refuse disposal	ially alter, or materially extend a water supply system, I system in this State except in accordance with a secretary under this section; or					
	` ,	nit based on the	material change in construction until the Secretary has e submission to the Secretary under subsection					
	(i) After a person completes work under a permit, the person shall submit to the Secretary for permanent record a certified copy of the plans that shows the work as built.							
	An owner or operator of an incinerator may not accept more than 150 tons per day of special medical waste, as defined in Title 26, Subtitle 13, Chapter 11 of the Code of Maryland Regulations.							
25 26	(k) (1) The Secretary may not issue any permit, including a permit under subsection (d) of this section or § 7-232 of this article, to construct or operate a municipal waste incinerator for disposal of a solid waste stream, as defined in § 9-1701 of this title, within 1 mile of a public or private elementary or secondary school.							
		l waste stream	y not construct or operate a municipal waste incinerator, as defined in § 9-1701 of this title, within 1 mile secondary school.					
31	(3)	This subsection	on may not be construed to prohibit:					
		rial alteration of	operation, construction, reconstruction, replacement, or extension of an incinerator that was operating anuary 1, 1997; or					

	(ii) The issuance of permits necessary for the operation, construction, reconstruction, replacement, expansion, and material alteration or extension of an incinerator that was operating on January 1, 1997.
	(l) (1) The Secretary may not issue any permit, including a permit under subsection (d) of this section, to construct or operate a transfer station in Prince George's County for disposal of solid waste within 2 miles of Bowie State University.
	(2) A person may not construct or operate a transfer station in Prince George's County for the disposal of solid waste within 2 miles of Bowie State University.
10	(3) This subsection may not be construed to prohibit:
	(i) The operation, construction, reconstruction, replacement, expansion, or material alteration or extension of a transfer station that was operating on January 1, 2000; or
	(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.
	(m) THE SECRETARY MAY NOT ISSUE ANY PERMIT UNDER THIS SECTION TO CONSTRUCT OR OPERATE A RUBBLE LANDFILL WITHIN 2 MILES OF BOWIE STATE UNIVERSITY OR ST. JOHN AME CHURCH.
20 21	(N) (1) In this subsection, "trade secret" has the meaning provided in § 11-1201 of the Commercial Law Article.
	(2) The Department shall prepare an annual report identifying the amount of solid waste by weight or volume, disposed of in the State during the previous year.
25 26	(3) The report required under paragraph (2) of this subsection shall identify:
27	(i) The following solid waste categories:
28	1. Construction and demolition debris;
29	2. Incinerator ash;
30	3. Industrial waste;
31	4. Land clearing debris;
32	5. Municipal solid waste; and
33	6. Any other solid waste identified by the Department;

1 2	(i generated outside of the		The amo	ount of solid waste disposed of in the State that is	
3	(i	ii)	The juris	sdictions where the solid waste originated;	
4 5	(i transported outside of th		The amount of solid waste generated in the State that is e for disposal; and		
6 7	of by:	v)	An estin	nate of the amount of solid waste managed or disposed	
8			1.	Recycling;	
9			2.	Composting;	
10			3.	Landfilling; and	
11			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.				
15 16	(i provide the following in			abparagraph (i) of this paragraph, a facility owner may	
17 18	1. An accounting of the facility's economic benefits provided to the locality where the facility is located;				
19 20	2. The value of disposal and recycling facilities provided to the locality at no cost or reduced cost;				
21			3.	Direct employment associated with the facility; and	
22 23	the preceding calendar		4.	Other economic benefits resulting from the facility during	
	(5) 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:				
27	(i	1)	The Hou	se Environmental Matters Committee; and	
28	(i	i)	The Sen	ate Economic and Environmental Affairs Committee.	
29 30	(6) A facility owner is not required to provide information under paragraph (4) of this subsection that is a trade secret.				
	SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members				

- 1 elected to each of the two Houses of the General Assembly, and shall take effect from 2 the date it is enacted.