HOUSE BILL 743 EMERGENCY BILL

Unofficial Copy M3 HB 1121/03 - ENV 2004 Regular Session 4lr1610

By: Delegate C. Davis Introduced and read first time: February 6, 2004 Assigned to: Environmental Matters A BILL ENTITLED 1 AN ACT concerning 2 **Department of the Environment - Rubble Landfills - Location** 3 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 4 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, Article - Environment 8 9 Section 9-204 10 Annotated Code of Maryland 11 (1996 Replacement Volume and 2003 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 12 13 MARYLAND, That the Laws of Maryland read as follows: 14 **Article - Environment** 15 9-204. This section applies to any water supply system, sewerage system, refuse 16 disposal system that is for public use, or any refuse disposal system that is a solid 17 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 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: A permit issued under this section for a privately owned water 23 24 supply or sewerage system; or

A permit applied for by a local unit of government for a

25 (ii) A permit applied for be 26 privately financed water supply or sewerage system.

1 2	to participate	(2) in the ra			all provide the r latory processe		nity an opportunity	
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.							
	requirements system.	(2) that mus	At the request of the person, the Secretary shall outline the general at must be met before the Secretary would approve the proposed					
		A person shall have a permit issued by the Secretary under this section e person installs, materially alters, or materially extends a water supply ewerage system, or refuse disposal system.						
13	(e)	An appli	cant for	a permit s	shall:			
14		(1)	Submit	to the Sec	retary an applic	cation that contain	ns:	
	alteration, or disposal syst		(i) on of the			specifications for verage system, or		
20 21	zip code nun	nbers 212 pared at the	225, 2122 he expen	ore City do 26, and 21	esignated by the 1230, a groundy	ted to any solid we United States Powater and surface ding the proposed	ost Office as water impact	
23			(iii)	Any othe	er information t	hat the Secretary	requires;	
24 25	specification	(2) as, with th			• •	erial change in the	e plans and	
26		(3)	Pay the	permit fee	e set by the Dep	partment.		
	(f) under subsec permit.					vater impact analy is for the Secretar		
30 31	(g) section, the S	(1) Secretary		person ap	oplies for a perm	nit and pays the fo	ee under this	
32			(i)	Examine	the application	n without delay; a	nd	
33			(ii)	1.	Approve the ap	oplication and iss	ue the permit;	
34				2.	Disapprove the	e application; or		

1 2	approve the application	3. on.	State the conditions under which the Secretary would
	(2) application and paym line or a sewage colle	ent of fee for a	shall act within 30 working days after receiving an permit under this section for a water distribution
6 7	(3) this subsection:	If the Secretar	ry does not act within the time set by paragraph (2) of
8		(i) The a	application is approved automatically; and
9		(ii) The S	Secretary shall issue a permit for the work.
10	(h) A perso	n may not:	
	sewerage system, or	refuse disposal	ally alter, or materially extend a water supply system, system in this State except in accordance with a ecretary under this section; or
	` '	nit based on the	material change in construction until the Secretary has e submission to the Secretary under subsection
			tes work under a permit, the person shall submit to a certified copy of the plans that shows the work
	V /	edical waste, as	of an incinerator may not accept more than 150 tons defined in Title 26, Subtitle 13, Chapter 11 of the
25 26	subsection (d) of this municipal waste inci-	section or § 7- nerator for disp	may not issue any permit, including a permit under 232 of this article, to construct or operate a cosal of a solid waste stream, as defined in § a public or private elementary or secondary
		d waste stream,	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 o	operation, construction, reconstruction, replacement, r extension of an incinerator that was operating nuary 1, 1997; or

			eplaceme	nance of permits necessary for the operation, nt, expansion, and material alteration or brating on January 1, 1997.		
	(1) (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) George's County for University.	(2) A person may not construct or operate a transfer station in Prince unty for the disposal of solid waste within 2 miles of Bowie State				
10	(3)	This sul	bsection 1	nay not be construed to prohibit:		
				ration, construction, reconstruction, replacement, ension of a transfer station that was operating		
	construction, recons		eplaceme	nance of a permit that is necessary for the operation, ent, expansion, or material alteration or operating on January 1, 2000.		
	* *	OPERAT	E A RUB	NOT ISSUE ANY PERMIT UNDER THIS SECTION TO BLE LANDFILL WITHIN 2 MILES OF BOWIE STATE HURCH.		
20 21	[(m)] (N) 11-1201 of the Com	(1) nmercial L		ubsection, "trade secret" has the meaning provided in § e.		
	()			shall prepare an annual report identifying the ume, disposed of in the State during the		
25 26	(3) identify:	The rep	ort requir	red under paragraph (2) of this subsection shall		
27		(i)	The foll	owing 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	generated outside of the	(ii) he State;	The amo	ount of solid waste disposed of in the State that is	
3		(iii)	The juri	sdictions where the solid waste originated;	
4 5	transported outside of	(iv) the State		ount of solid waste generated in the State that is osal; and	
6 7	of by:	(v)	An estir	nate of the amount of solid waste managed or disposed	
8			1.	Recycling;	
9			2.	Composting;	
10			3.	Landfilling; and	
11			4.	Incineration.	
	(4) annually provide to tl report required under		tment inf	nitted solid waste acceptance facilities shall at least formation that is necessary to prepare the this subsection.	
15 16	provide the following	(ii) g informa		ubparagraph (i) of this paragraph, a facility owner may	
17 18	7 1. An accounting of the facility's economic benefits provided to the locality where the facility is located;				
19 20	the locality at no cost	or reduc	2. ed cost;	The value of disposal and recycling facilities provided to	
21			3.	Direct employment associated with the facility; and	
22 23	the preceding calenda	ar year.	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)	The Hou	ase Environmental Matters Committee; and	
28 29	Committee.	(ii)	The Sen	ate Education, Health, and Environmental Affairs	
30 31	(6) A facility owner is not required to provide information under paragraph (4) of this subsection that is a trade secret.				
32 33	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,				

- 1 has been passed by a yea and nay vote supported by three-fifths of all the members
 2 elected to each of the two Houses of the General Assembly, and shall take effect from
 3 the date it is enacted.