
By: **Delegates Glassman, Branch, Cardin, V. Clagett, Costa, C. Davis, Frush, Impallaria, James, Jennings, Kirk, Kohl, Levy, Marriott, McComas, McConkey, McDonough, Moe, Oaks, Parrott, Pugh, Rudolph, Shewell, Smigiel, Sossi, and Stern**

Introduced and read first time: January 26, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - County Plans - Removal of Solid Waste Acceptance Facilities**

3 FOR the purpose of authorizing a county to remove a proposed solid waste acceptance
4 facility from the county plan under certain circumstances; providing for the
5 application of certain provisions of this Act; and generally relating to a solid
6 waste acceptance facility in a county plan.

7 BY repealing and reenacting, without amendments,
8 Article - Environment
9 Section 9-501(d)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 2005 Supplement)

12 BY adding to
13 Article - Environment
14 Section 9-511.1
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 2005 Supplement)

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

19 **Article - Environment**

20 9-501.

21 (d) (1) "County plan" means a comprehensive plan for adequately providing
22 throughout the county, including all towns, municipal corporations, and sanitary
23 districts in the county, the following facilities and services by public or private
24 ownership:

25 (i) Water supply systems;

- 1 (ii) Sewerage systems;
- 2 (iii) Solid waste disposal systems;
- 3 (iv) Solid waste acceptance facilities; and
- 4 (v) Systematic collection and disposal of solid waste, including
- 5 litter.

6 (2) "County plan" includes a revised or amended county plan.

7 9-511.1.

8 (A) A COUNTY MAY REMOVE A PROPOSED SOLID WASTE ACCEPTANCE
9 FACILITY FROM THE COUNTY PLAN IF:

10 (1) THE OWNER OF THE PROPOSED ACCEPTANCE FACILITY FAILS TO
11 APPLY TO THE DEPARTMENT FOR A NEW PERMIT WITHIN 1 YEAR OF INCLUSION IN
12 THE PLAN;

13 (2) THE OWNER OF THE PROPOSED ACCEPTANCE FACILITY FAILS TO
14 APPLY TO THE DEPARTMENT FOR A RENEWAL IN ACCORDANCE WITH § 10-226(B) OF
15 THE STATE GOVERNMENT ARTICLE;

16 (3) THE DEPARTMENT DENIES A PERMIT FOR THE PROPOSED
17 ACCEPTANCE FACILITY IN ITS FINAL DECISION; OR

18 (4) THE PROPOSED ACCEPTANCE FACILITY IS NOT CONSTRUCTED
19 WITHIN 10 YEARS AFTER RECEIVING A PERMIT.

20 (B) THIS SECTION MAY NOT BE CONSTRUED TO ALLOW THE COUNTY TO
21 REMOVE A PROPOSED SOLID WASTE DISPOSAL SYSTEM IF THE SYSTEM IS
22 NECESSARY TO PROVIDE ADEQUATE CAPACITY FOR THE DISPOSAL OF SOLID WASTE
23 GENERATED WITHIN THE COUNTY IN ACCORDANCE WITH § 9-505 OF THIS SUBTITLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
25 construed to apply retroactively and shall be applied to and interpreted to affect any
26 solid waste acceptance facility permit holder regardless of whether the permit was
27 issued before or after the effective date of this Act.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2006.