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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2006

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CHAPTER \_\_\_\_\_

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 construction and application of certain provisions of this Act; and generally  
6 relating to a solid 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:

1 **Article - Environment**

2 9-501.

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

7 (i) Water supply systems;

8 (ii) Sewerage systems;

9 (iii) Solid waste disposal systems;

10 (iv) Solid waste acceptance facilities; and

11 (v) Systematic collection and disposal of solid waste, including  
12 litter.

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

14 9-511.1.

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

17 (1) THE OWNER OF THE PROPOSED SOLID WASTE ACCEPTANCE  
18 FACILITY FAILS TO APPLY TO THE DEPARTMENT FOR A NEW PERMIT WITHIN 1 YEAR  
19 OF INCLUSION IN THE PLAN;

20 (2) THE OWNER OF THE PROPOSED SOLID WASTE ACCEPTANCE  
21 FACILITY FAILS TO APPLY TO THE DEPARTMENT FOR A RENEWAL IN ACCORDANCE  
22 WITH § 10-226(B) OF THE STATE GOVERNMENT ARTICLE;

23 (3) THE DEPARTMENT DENIES A PERMIT FOR THE PROPOSED SOLID  
24 WASTE ACCEPTANCE FACILITY IN ITS FINAL DECISION; OR

25 (4) THE PROPOSED SOLID WASTE ACCEPTANCE FACILITY IS NOT  
26 CONSTRUCTED WITHIN 10 YEARS AFTER RECEIVING A PERMIT.

27 (B) FOR THE PURPOSES OF SUBSECTION (A)(1) OF THIS SECTION, A NEW  
28 PERMIT DOES NOT INCLUDE A PERMIT APPLICATION FOR EXPANSION OR MAJOR  
29 MODIFICATION OF AN EXISTING FACILITY.

30 ~~(B)~~ (C) THIS SECTION MAY NOT BE CONSTRUED TO ALLOW THE COUNTY TO  
31 REMOVE A PROPOSED SOLID WASTE ~~DISPOSAL SYSTEM~~ ACCEPTANCE FACILITY IF  
32 THE ~~SYSTEM~~ SOLID WASTE ACCEPTANCE FACILITY IS NECESSARY TO PROVIDE  
33 ADEQUATE CAPACITY FOR THE DISPOSAL OF SOLID WASTE GENERATED WITHIN THE  
34 COUNTY IN ACCORDANCE WITH § 9-505 OF THIS SUBTITLE.

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

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