

UNOFFICIAL COPY OF HOUSE BILL 678
EMERGENCY BILL

M3
HB 743/04 - ENV

6lr2846

By: **Delegates C. Davis, Anderson, Branch, Brown, Burns, Cane, Carter,
D. Davis, Gaines, Goodwin, Griffith, Harrison, Haynes, Holmes,
Howard, Hubbard, Jones, Kelley, Kirk, Marriott, Murray,
Nathan-Pulliam, Oaks, Paige, Parker, Patterson, Proctor, Pugh,
V. Turner, and Vaughn**

Introduced and read first time: February 6, 2006

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
4 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 2005 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

1 (ii) A permit applied for by a local unit of government for a
2 privately financed water supply or sewerage system.

3 (2) The Secretary shall provide the regulated community an opportunity
4 to participate in the rate setting and regulatory processes.

5 (c) (1) Before a person draws plans or submits an application under this
6 section for a proposed water supply system, sewerage system, or refuse disposal
7 system, the person may submit to the Secretary a preliminary statement on the
8 proposed system.

9 (2) At the request of the person, the Secretary shall outline the general
10 requirements that must be met before the Secretary would approve the proposed
11 system.

12 (d) A person shall have a permit issued by the Secretary under this section
13 before the person installs, materially alters, or materially extends a water supply
14 system, sewerage system, or refuse disposal system.

15 (e) An applicant for a permit shall:

16 (1) Submit to the Secretary an application that contains:

17 (i) The complete plans and specifications for the installation,
18 alteration, or extension of the water supply system, sewerage system, or refuse
19 disposal system;

20 (ii) For any application related to any solid waste acceptance
21 facility in the areas of Baltimore City designated by the United States Post Office as
22 zip code numbers 21225, 21226, and 21230, a groundwater and surface water impact
23 analysis prepared at the expense of the applicant regarding the proposed installation,
24 alteration, or extension; and

25 (iii) Any other information that the Secretary requires;

26 (2) Submit to the Secretary any material change in the plans and
27 specifications, with the reason for the change; and

28 (3) Pay the permit fee set by the Department.

29 (f) Results of any groundwater and surface water impact analysis required
30 under subsection (e)(1)(ii) of this section may be a basis for the Secretary's denial of a
31 permit.

32 (g) (1) When a person applies for a permit and pays the fee under this
33 section, the Secretary shall:

34 (i) Examine the application without delay; and

35 (ii) 1. Approve the application and issue the permit;

- 1 2. Disapprove the application; or
- 2
- 3 approve the application.
- 4 3. State the conditions under which the Secretary would
- 5
- 6 approve the application.

7 (2) The Secretary shall act within 30 working days after receiving an
8 application and payment of fee for a permit under this section for a water distribution
9 line or a sewage collection line.

10 (3) If the Secretary does not act within the time set by paragraph (2) of
11 this subsection:

12 (i) The application is approved automatically; and

13 (ii) The Secretary shall issue a permit for the work.

14 (h) A person may not:

15 (1) Install, materially alter, or materially extend a water supply system,
16 sewerage system, or refuse disposal system in this State except in accordance with a
17 permit issued to the person by the Secretary under this section; or

18 (2) Embody any material change in construction until the Secretary has
19 issued a revised permit based on the submission to the Secretary under subsection
20 (e)(2) of this section.

21 (i) After a person completes work under a permit, the person shall submit to
22 the Secretary for permanent record a certified copy of the plans that shows the work
23 as built.

24 (j) An owner or operator of an incinerator may not accept more than 150 tons
25 per day of special medical waste, as defined in Title 26, Subtitle 13, Chapter 11 of the
26 Code of Maryland Regulations.

27 (k) (1) The Secretary may not issue any permit, including a permit under
28 subsection (d) of this section or § 7-232 of this article, to construct or operate a
29 municipal waste incinerator for disposal of a solid waste stream, as defined in §
30 9-1701 of this title, within 1 mile of a public or private elementary or secondary
31 school.

32 (2) A person may not construct or operate a municipal waste incinerator
33 for disposal of a solid waste stream, as defined in § 9-1701 of this title, within 1 mile
34 of a public or private elementary or secondary school.

35 (3) This subsection may not be construed to prohibit:

 (i) The operation, construction, reconstruction, replacement,
expansion, and material alteration or extension of an incinerator that was operating
as a resource recovery facility on January 1, 1997; or

1 (ii) The issuance of permits necessary for the operation,
2 construction, reconstruction, replacement, expansion, and material alteration or
3 extension of an incinerator that was operating on January 1, 1997.

4 (l) (1) The Secretary may not issue any permit, including a permit under
5 subsection (d) of this section, to construct or operate a transfer station in Prince
6 George's County for disposal of solid waste within 2 miles of Bowie State University.

7 (2) A person may not construct or operate a transfer station in Prince
8 George's County for the disposal of solid waste within 2 miles of Bowie State
9 University.

10 (3) This subsection may not be construed to prohibit:

11 (i) The operation, construction, reconstruction, replacement,
12 expansion, or material alteration or extension of a transfer station that was operating
13 on January 1, 2000; or

14 (ii) The issuance of a permit that is necessary for the operation,
15 construction, reconstruction, replacement, expansion, or material alteration or
16 extension of a transfer station that was operating on January 1, 2000.

17 (M) THE SECRETARY MAY NOT ISSUE ANY PERMIT UNDER THIS SECTION TO
18 CONSTRUCT OR OPERATE A RUBBLE LANDFILL WITHIN 2 MILES OF BOWIE STATE
19 UNIVERSITY OR ST. JOHN AME CHURCH.

20 [(m)] (N) (1) In this subsection, "trade secret" has the meaning provided in §
21 11-1201 of the Commercial Law Article.

22 (2) The Department shall prepare an annual report identifying the
23 amount of solid waste by weight or volume, disposed of in the State during the
24 previous year.

25 (3) The report required under paragraph (2) of this subsection shall
26 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 (ii) The amount of solid waste disposed of in the State that is
2 generated outside of the State;

3 (iii) The jurisdictions where the solid waste originated;

4 (iv) The amount of solid waste generated in the State that is
5 transported outside of the State for disposal; and

6 (v) An estimate of the amount of solid waste managed or disposed
7 of by:

8 1. Recycling;

9 2. Composting;

10 3. Land filling; and

11 4. Incineration.

12 (4) (i) All permitted solid waste acceptance facilities shall at least
13 annually provide to the Department information that is necessary to prepare the
14 report required under paragraph (2) of this subsection.

15 (ii) Under subparagraph (i) of this paragraph, a facility owner may
16 provide the following information:

17 1. An accounting of the facility's economic benefits provided
18 to the locality where the facility is located;

19 2. The value of disposal and recycling facilities provided to
20 the locality at no cost or reduced cost;

21 3. Direct employment associated with the facility; and

22 4. Other economic benefits resulting from the facility during
23 the preceding calendar year.

24 (5) Beginning September 1, 2000, the Department shall annually
25 submit, in accordance with § 2-1246 of the State Government Article, a report of the
26 activities undertaken and the progress made in accordance with this section to:

27 (i) The House Environmental Matters Committee; and

28 (ii) The Senate Education, Health, and Environmental Affairs
29 Committee.

30 (6) A facility owner is not required to provide information under
31 paragraph (4) of this subsection that is a trade secret.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
2 emergency measure, is necessary for the immediate preservation of the public health
3 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
4 members elected to each of the two Houses of the General Assembly, and shall take
5 effect from the date it is enacted.