
By: **Delegates Bozman and Conway**

Introduced and read first time: February 10, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Bonding Requirement - Local Authority**

3 FOR the purpose of authorizing a county or municipal corporation to require an
4 applicant for a sewage sludge utilization permit or a permit to build a rubble
5 landfill facility to file a surety bond, with certain requirements, with the local
6 governing body in addition to any State bonding requirements; and generally
7 relating to bond requirements for rubble landfill facilities and sewage sludge
8 facilities.

9 BY repealing and reenacting, without amendments,
10 Article - Environment
11 Section 9-210(a), 9-233, and 9-240
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2005 Supplement)

14 BY adding to
15 Article - Environment
16 Section 9-211.2 and 9-240.1
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2005 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Environment
21 Section 9-232
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 2005 Supplement)

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

1

Article - Environment

2 9-210.

3 (a) Subject to the provisions of subsection (b) of this section, the Secretary may
4 not issue a permit to install, materially alter, or materially extend a refuse disposal
5 system regulated under § 9-204(a) of this subtitle until the requirements set forth in
6 this subsection are met in the following sequence:

7 (1) Except for the opportunity for a public informational meeting, the
8 Department has completed its preliminary phase 1 technical review of the proposed
9 refuse disposal system;

10 (2) The Department has reported the findings of its preliminary phase 1
11 technical review, in writing, to the county's chief elected official and planning
12 commission of the county where the proposed refuse disposal system is to be located;
13 and

14 (3) The county has completed its review of the proposed refuse disposal
15 system, and has provided to the Department a written statement that the refuse
16 disposal system:

17 (i) Meets all applicable county zoning and land use requirements;
18 and

19 (ii) Is in conformity with the county solid waste plan.

20 9-211.2.

21 (A) IN ADDITION TO THE BONDING AND OTHER SECURITY REQUIREMENTS
22 SET FORTH IN THIS SUBTITLE, A COUNTY OR MUNICIPAL CORPORATION MAY
23 REQUIRE AN APPLICANT FOR A PERMIT FOR A RUBBLE LANDFILL TO FILE A SURETY
24 BOND OR OTHER SECURITY WITH THE LOCAL GOVERNING BODY BEFORE THE
25 COUNTY COMPLETES ITS REVIEW AND DETERMINATION UNDER § 9-210(A)(3) OF THIS
26 SUBTITLE.

27 (B) A BOND FILED UNDER THIS SECTION SHALL:

28 (1) BE ISSUED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN
29 THE STATE;

30 (2) BE IN THE AMOUNT OF \$150,000 FOR EACH ACRE OF LAND TO WHICH
31 THE PERMIT APPLIES;

32 (3) REMAIN IN EFFECT FOR AT LEAST 50 YEARS; AND

33 (4) CONTAIN A PROVISION THAT IT CANNOT BE CANCELED BY THE
34 SURETY, BANK, OR OTHER ISSUING ENTITY AT ANY TIME FOR ANY REASON,
35 INCLUDING NONPAYMENT OF THE PREMIUM OR BANKRUPTCY OF THE PERMIT
36 HOLDER FOR THE RUBBLE LANDFILL.

1 9-232.

2 (a) An applicant for a sewage sludge utilization permit shall:

3 (1) Submit an application to the Department on the form that the
4 Department requires;

5 (2) Certify by signature the truth and accuracy of the completed
6 application;

7 (3) Pay the application fee set by the Department to cover the cost of
8 processing the application;

9 (4) Obtain the written consent of the owner of the land where the sewage
10 sludge will be applied, including an agreement that the owner will not violate the
11 permit; and

12 (5) Agree to permit or secure access to the sewage sludge utilization site
13 for the purpose of any inspection permitted under § 9-243 of this subtitle.

14 (b) Before a sewage sludge utilization permit is issued, the applicant for the
15 permit shall:

16 (1) File with the Department acceptable evidence of a bond or other
17 security that the Department requires under § 9-240 of this subtitle AND EVIDENCE
18 OF A BOND AS REQUIRED BY THE LOCAL GOVERNING BODY UNDER § 9-240.1 OF THIS
19 SUBTITLE; and

20 (2) Satisfy every other requirement of this Part III of this subtitle.

21 9-233.

22 The Department may not issue a permit to install, materially alter, or
23 materially extend a sewage sludge composting facility or a sewage sludge storage
24 facility until:

25 (1) The sewage sludge composting facility or sewage sludge storage
26 facility meets all zoning and land use requirements of the county where the sewage
27 sludge composting or storage facility is to be located; and

28 (2) In the case of a sewage sludge composting facility, the Department
29 has a written statement that the board of county commissioners or the county council
30 of the county where the sewage sludge composting facility is to be located does not
31 oppose the issuance of the permit.

1 9-240.

2 To keep a sewage sludge utilization permit, a person shall:

3 (1) Maintain a performance bond or other security in the amount that
4 the Department considers sufficient to guarantee the fulfillment of any requirement
5 related to the permit; and

6 (2) Comply with each other requirement that the Department sets.

7 9-240.1.

8 (A) IN ADDITION TO THE BONDING AND OTHER SECURITY REQUIREMENTS
9 SET FORTH IN THIS SUBTITLE, A COUNTY OR MUNICIPAL CORPORATION MAY
10 REQUIRE AN APPLICANT FOR A SEWAGE SLUDGE UTILIZATION PERMIT TO FILE A
11 SURETY BOND OR OTHER SECURITY WITH THE LOCAL GOVERNING BODY BEFORE
12 THE COUNTY COMPLETES ITS REVIEW AND DETERMINATION UNDER § 9-233 OF THIS
13 SUBTITLE.

14 (B) A BOND FILED UNDER THIS SECTION SHALL:

15 (1) BE ISSUED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN
16 THE STATE;

17 (2) BE IN THE AMOUNT OF \$5,000 FOR EACH ACRE OF LAND TO WHICH
18 THE PERMIT APPLIES;

19 (3) REMAIN IN EFFECT FOR AT LEAST 50 YEARS; AND

20 (4) CONTAIN A PROVISION THAT IT CANNOT BE CANCELED BY THE
21 SURETY, BANK, OR OTHER ISSUING ENTITY AT ANY TIME FOR ANY REASON,
22 INCLUDING NONPAYMENT OF THE PREMIUM OR BANKRUPTCY OF THE PERMIT
23 HOLDER FOR THE SEWAGE SLUDGE FACILITY.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2006.