

UNOFFICIAL COPY OF SENATE BILL 51  
EMERGENCY BILL

M3

(6lr0844)

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senator Pipkin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

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 a certain lake in Queen Anne's County and certain tributaries in Prince  
6 George's County; making this Act an emergency measure; *providing for the*  
7 *termination of this Act*; and generally relating to permits for rubble landfills.

8 BY repealing and reenacting, with amendments,  
9 Article - Environment  
10 Section 9-204  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 2005 Supplement)

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

1

**Article - Environment**

2 9-204.

3 (a) This section applies to any water supply system, sewerage system, refuse  
4 disposal system that is for public use, or any refuse disposal system that is a solid  
5 waste acceptance facility as defined in § 9-501(n) of this title if the solid waste  
6 acceptance facility is installed, altered, or extended after July 1, 1988.

7 (b) (1) The Secretary may adopt reasonable and proper regulations for  
8 submission of plans. These regulations may include the collection of a fee at the time  
9 of application for:

10 (i) A permit issued under this section for a privately owned water  
11 supply or sewerage system; or

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

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

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

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

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

26 (e) An applicant for a permit shall:

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

28 (i) The complete plans and specifications for the installation,  
29 alteration, or extension of the water supply system, sewerage system, or refuse  
30 disposal system;

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

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

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

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

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

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

9           (i)     Examine the application without delay; and

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

11                   2.     Disapprove the application; or

12                   3.     State the conditions under which the Secretary would  
13 approve the application.

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

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

19           (i)     The application is approved automatically; and

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

21     (h)     A person may not:

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

25          (2)     Embodiment any material change in construction until the Secretary has  
26 issued a revised permit based on the submission to the Secretary under subsection  
27 (e)(2) of this section.

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

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

1 (k) (1) The Secretary may not issue any permit, including a permit under  
2 subsection (d) of this section or § 7-232 of this article, to construct or operate a  
3 municipal waste incinerator for disposal of a solid waste stream, as defined in §  
4 9-1701 of this title, within 1 mile of a public or private elementary or secondary  
5 school.

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

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

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

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

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

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

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

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

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

29 (M) THE SECRETARY MAY NOT ISSUE ANY PERMIT UNDER THIS SECTION TO  
30 CONSTRUCT OR OPERATE A RUBBLE LANDFILL WITHIN 4 MILES OF UNICORN LAKE  
31 IN QUEEN ANNE'S COUNTY, WITHIN 1 MILE OF THE PISCATAWAY CREEK, A  
32 PISCATAWAY CREEK TRIBUTARY, OR THE MATTAWOMAN CREEK, OR WITHIN 1 MILE  
33 OF ANY OTHER TRIBUTARY IN PRINCE GEORGE'S COUNTY THAT FLOWS DIRECTLY OR  
34 INDIRECTLY INTO THE POTOMAC RIVER.

35 [(m)] (N) (1) In this subsection, "trade secret" has the meaning provided in §  
36 11-1201 of the Commercial Law Article.

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

4                   (3)     The report required under paragraph (2) of this subsection shall  
5 identify:

6                   (i)     The following solid waste categories:

- 7                             1.     Construction and demolition debris;
- 8                             2.     Incinerator ash;
- 9                             3.     Industrial waste;
- 10                            4.     Land clearing debris;
- 11                            5.     Municipal solid waste; and
- 12                            6.     Any other solid waste identified by the Department;

13                   (ii)    The amount of solid waste disposed of in the State that is  
14 generated outside of the State;

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

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

18                   (v)     An estimate of the amount of solid waste managed or disposed  
19 of by:

- 20                            1.     Recycling;
- 21                            2.     Composting;
- 22                            3.     Landfilling; and
- 23                            4.     Incineration.

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

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

- 29                            1.     An accounting of the facility's economic benefits provided  
30 to the locality where the facility is located;

- 1                                    2.            The value of disposal and recycling facilities provided to  
2 the locality at no cost or reduced cost;
- 3                                    3.            Direct employment associated with the facility; and
- 4                                    4.            Other economic benefits resulting from the facility during  
5 the preceding calendar year.

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

- 9                                    (i)            The House Environmental Matters Committee; and
- 10                                    (ii)           The Senate Education, Health, and Environmental Affairs  
11 Committee.

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

14        SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an  
15 emergency measure, is necessary for the immediate preservation of the public health  
16 or safety, has been passed by a yea and nay vote supported by three-fifths of all the  
17 members elected to each of the two Houses of the General Assembly, and shall take  
18 effect from the date it is enacted. *It shall remain effective through June 1, 2009, and,*  
19 *at the end of June 1, 2009, with no further action required by the General Assembly,*  
20 *this Act shall be abrogated and of no further force and effect.*