

ENROLLED BILL

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

Introduced by **Senator Dyson**

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 **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

1 Annotated Code of Maryland
2 (1996 Replacement Volume and 2005 Supplement)

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

5 **Article - Environment**

6 9-501.

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

11 (i) Water supply systems;

12 (ii) Sewerage systems;

13 (iii) Solid waste disposal systems;

14 (iv) Solid waste acceptance facilities; and

15 (v) Systematic collection and disposal of solid waste, including
16 litter.

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

18 9-511.1.

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

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

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

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

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

31 (B) SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE CONSTRUED TO FOR
32 THE PURPOSES OF SUBSECTION (A)(1) OF THIS SECTION, A NEW PERMIT DOES NOT

1 INCLUDE A PERMIT APPLICATION FOR EXPANSION OR MAJOR MODIFICATION OF AN
2 EXISTING FACILITY.

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

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

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