

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 682

(Senator Dyson)

Education, Health, and Environmental Affairs

Environmental Matters

Environment - County Plans - Removal of Solid Waste Acceptance Facilities

This bill authorizes a county to remove a proposed solid waste acceptance facility from the county's 10-year solid waste master plan under specified conditions. The bill applies retroactively.

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances.

Local Effect: Although the bill authorizes a county to remove specified facilities from its county plan, it is not anticipated to have a direct impact on county finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: A county may remove a proposed solid waste acceptance facility from the county plan if: (1) the owner of the proposed facility fails to apply to the Maryland Department of the Environment (MDE) for a new permit within one year of inclusion in the plan; (2) the owner fails to apply to MDE for a renewal; (3) MDE denies a permit for the proposed facility; or (4) the proposed facility is not constructed within 10 years after receiving a permit from MDE. The bill's provision regarding failure to apply for a new permit does not apply to a permit application for expansion or major modification of an existing facility.

The bill states that these provisions may not be construed to allow the county to remove a proposed solid waste acceptance facility from the plan if the facility is necessary to provide adequate capacity for the disposal of solid waste generated within the county.

Current Law: Each county must have a county plan or a plan with adjoining counties that is approved by MDE; covers at least the 10-year period next following adoption by the county governing body; and deals with water supply systems, sewerage systems, solid waste disposal systems, solid waste acceptance facilities, and the systematic collection and disposal of solid waste. Current law specifies several requirements relating to the content of county plans.

A solid waste acceptance facility means any sanitary landfill, incinerator, transfer station, or plant whose primary purpose is to dispose of, treat, or process solid waste. Siting and other land use or zoning criteria for proposed solid waste acceptance facilities are the responsibility of local jurisdictions. Solid waste acceptance facilities are permitted by MDE. Applicants obtain local approvals prior to applying to MDE for a permit.

Background: Inclusion in, or conformance with, the county plan is a prerequisite for the issuance of a refuse disposal permit by MDE. MDE advises that there have been cases where a facility was included in a county plan years ago, but the applicant either has not yet obtained a permit, or, if the applicant obtained a permit, the facility has not yet been constructed. In some cases, the county has changed its position on whether the proposed facility should be allowed to proceed. According to MDE, in at least three instances, counties have then moved to administratively block the previously-approved facilities. MDE advises that, in cases concerning the Gravel Hill Rubble Landfill in Harford County, the Chesapeake Terrace Rubble Landfill in Anne Arundel County, and the Unicorn Rubble Landfill in Queen Anne's County, courts have overruled the counties' attempts to retract their approvals. Accordingly, MDE advises that it has rejected amendments to county plans that attempt to remove previously-approved facilities that were still being pursued by the applicants.

Small Business Effect: Small business owners of proposed solid waste acceptance facilities could be significantly affected to the extent a county removes the proposed facility from its 10-year solid waste master plan. MDE advises that the potential profit from a commercial landfill could be millions to billions of dollars over the life of the facility.

Additional Information

Prior Introductions: None.

Cross File: HB 363 (Delegate Glassman, *et al.*) – Environmental Matters.

Information Source(s): Maryland Department of the Environment, Baltimore City, Caroline County, Montgomery County, Prince George’s County, Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2006
l/ljm Revised - Senate Third Reader - March 27, 2006

Analysis by: Lesley G. Cook

Direct Inquiries to:
(410) 946-5510
(301) 970-5510