

**Department of Legislative Services
Maryland General Assembly
2006 Session**

FISCAL AND POLICY NOTE

House Bill 27 (Delegate Smigiel)
Environmental Matters

Department of the Environment - Rubble Landfills - Location

This emergency bill prohibits the Secretary of the Environment from issuing a permit to construct or operate a rubble landfill within four miles of Unicorn Lake in Queen Anne's County.

Fiscal Summary

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

Local Effect: The bill would not materially affect Queen Anne's County operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law: 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 the Maryland Department of the Environment (MDE). Applicants obtain local approvals prior to applying to MDE for a permit. MDE may not issue any permit to construct or operate a transfer station in Prince George's County for disposal of solid waste within two miles of Bowie State University.

Background: Unicorn Lake is located on the Unicorn Branch, a tributary to the Chester River in Queen Anne's County. According to the Department of Natural Resources, the lake was formed over 100 years ago when a dam was constructed for a woolen mill. In 1961 the lake and surrounding grounds were purchased by the State of Maryland.

According to MDE, there is one application pending to construct a commercial landfill in the vicinity of the lake. The previous county commission approved the plans for the landfill, but the current commission wants to reverse that decision. According to MDE, following litigation, the county was ordered by the Maryland Court of Special Appeals to return to and amplify on its original approval. MDE has not yet issued a permit for the landfill. MDE advises that it is in the geologic investigation phase of the permit review process; much information remains to be submitted for review before MDE can determine whether the site or the proposed design is adequate.

Local Fiscal Effect: Queen Anne's County advises that the bill would not materially affect its operations or finances. The county's 10-year solid waste plan does not rely on the proposed landfill for capacity, nor does the county anticipate the need for a future landfill in the area affected by the bill.

Small Business Effect: According to MDE, the permit applicant is a small business and the owner of the land on which the proposed landfill would be located may also be a small business. This bill would prohibit the proposed landfill (and any future landfills in the area affected by the prohibition) from moving forward. Any impact on the permit applicant and property owner would be speculative, however, because the extent to which the permit would be approved by MDE in the absence of the bill is unknown. MDE advises, however, that the currently active rubble landfill in Queen Anne's County charges \$32 to \$41 per ton of certain types of solid waste. Assuming the landfill, if permitted, were to accept about 100 tons per day at \$32 per ton for 220 days per year, foregone revenue from its operations could total approximately \$700,000 annually.

Additional Information

Prior Introductions: Identical legislation was introduced as SB 456/HB 1207 of 2005. SB 456 received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee, and HB 1207 received an unfavorable report from the House Environmental Matters Committee.

Cross File: None designated, although SB 51 (Senator Pipkin) – Education, Health, and Environmental Affairs, is identical.

Information Source(s): Queen Anne's County, Kent County, Maryland Department of the Environment, Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - January 18, 2006

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