

HOUSE BILL 294

M3

7lr1477
CF 7lr1254

By: **Delegates Sossi, Bartlett, Cane, Dwyer, Eckardt, Elmore, Frank, Haddaway, Jennings, Kach, Krebs, Mathias, McConkey, Shewell, Smigiel, Stocksdale, Stull, and Walkup**

Introduced and read first time: January 31, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

Environment – Bonding Requirement – Local Authority

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

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8 BY repealing and reenacting, without amendments,

9 Article – Environment

10 Section 9-210(a)

11 Annotated Code of Maryland

12 (1996 Replacement Volume and 2006 Supplement)

13 BY adding to

14 Article – Environment

15 Section 9-211.2

16 Annotated Code of Maryland

17 (1996 Replacement Volume and 2006 Supplement)

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

Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-210.

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

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

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

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

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

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

19 **9-211.2.**

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

26 (B) **A BOND FILED UNDER THIS SECTION SHALL:**

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

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2007.