

# HOUSE BILL 346

M3

71r1379

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By: **Delegate Costa**

Introduced and read first time: February 1, 2007

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Unlined Rubble Landfills – Bond Release and Access for**  
3 **Groundwater Testing**

4 FOR the purpose of extending the duration of the term of certain bonds for certain  
5 unlined rubble landfills; requiring the Department of the Environment, the  
6 local health official, or the local health official's designee to have certain access  
7 to certain land for a certain period of time for certain purposes; requiring a  
8 certain owner to keep access to certain wells and testing points open and  
9 operational for a certain period of time; requiring new owners of certain land to  
10 provide access to land, wells, and testing points for a certain period of time for  
11 certain purposes; defining certain terms; and generally relating to rubble  
12 landfills.

13 BY repealing and reenacting, with amendments,  
14 Article – Environment  
15 Section 9–211 and 9–215  
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:

20 **Article – Environment**

21 9–211.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (a)   (1)   Except for a sanitary landfill that is subject to § 9–211.1 of this  
2 subtitle, and as provided in paragraph (2) of this subsection, before the Secretary  
3 issues a permit for a landfill, incinerator, or transfer station to any private person, the  
4 applicant for the permit shall:

5                           (i)   File with the Department a bond on the form that the  
6 Department provides; or

7                           (ii)   Deposit with the governing body of the local jurisdiction  
8 where the landfill, incinerator, or transfer station will be located cash, negotiable  
9 bonds of the federal government or this State, or any other security that the  
10 Department approves.

11                   (2)   The Secretary may adopt regulations to exempt any legitimate  
12 recycling or reclamation facility from the requirements of this section.

13           (b)   (1)   The obligation of a bond filed under this section shall be so  
14 conditioned as to be void on the closing of the landfill, incinerator, or transfer station  
15 in a manner that prevents erosion, health and safety hazards, nuisances, and  
16 pollution.

17                   (2)   The local governing body that receives a deposit of cash or other  
18 security under this section shall hold the security in trust in the name of the local  
19 jurisdiction to assure the closing of the landfill, incinerator, or transfer station in a  
20 manner that prevents erosion, health and safety hazards, nuisances, and pollution.

21           (c)   A bond filed under this section shall be payable to the governing body of  
22 the political subdivision where the landfill, incinerator, or transfer station will be  
23 located.

24           (d)   (1)   Except as provided in paragraph (3) of this subsection, for a  
25 landfill:

26                           (i)   Unless otherwise required by federal law or regulation, a  
27 bond filed under this section shall be in the amount of \$10,000 for each acre of land to  
28 which the permit applies, but not less than \$250,000;

29                           (ii)   Cash deposited under this section shall be not less than the  
30 amount specified in paragraph (1)(i) of this subsection; and

31                           (iii)   The market value of other security deposited under this  
32 section shall be not less than the amount specified in paragraph (1)(i) of this  
33 subsection.

1           (2) For an incinerator or transfer station, the Department shall  
2 establish the amount of the security required by this section.

3           (3) (i) This paragraph does not apply to a rubble landfill.

4                   (ii) For sanitary landfills that are restricted to acceptance of  
5 land clearing debris specified in regulations of the Department, a bond filed under this  
6 section shall be in the amount of \$2,000 for each acre of land to which the permit  
7 applies, with a minimum amount of security of \$25,000.

8           (e) Both the applicant for a permit and a corporate surety licensed to do  
9 business in this State shall execute any bond filed under this section.

10          (f) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)**  
11 of this subsection, the term of any bond filed under this section and the time during  
12 which cash or other security must remain on deposit under this section is:

13                   (i) The duration of the operation of the landfill, incinerator, or  
14 transfer station; and

15                   (ii) An additional 5 years after the closing of the landfill,  
16 incinerator, or transfer station.

17           (2) **IF A RUBBLE LANDFILL HAS NO SUBSURFACE LINER, THE**  
18 **TERM OF ANY BOND FILED UNDER THIS SECTION AND THE TIME DURING WHICH**  
19 **CASH OR OTHER SECURITY MUST REMAIN ON DEPOSIT UNDER THIS SECTION IS:**

20                   (I) **THE DURATION OF THE OPERATION OF THE RUBBLE**  
21 **LANDFILL; AND**

22                   (II) **AN ADDITIONAL 15 YEARS AFTER THE CLOSING OF THE**  
23 **RUBBLE LANDFILL.**

24           (3) If the Department has assurances that the landfill, incinerator, or  
25 transfer station has been closed in a manner that prevents erosion, health and safety  
26 hazards, nuisances, and pollution, the Department may release the security filed or  
27 deposited under this section before the end of the 5-year period specified in paragraph  
28 (1)(ii) of this subsection.

29           (g) (1) The obligation of the holder of a permit for a landfill, incinerator,  
30 or transfer station and of any corporate surety under the bond shall become due and

1 payable and any cash, securities, or bond proceeds shall be applied to payment of the  
2 costs of properly closing a landfill, incinerator, or transfer station only if the  
3 Department:

4 (i) Notifies the permit holder and any corporate surety on the  
5 bond that the landfill, incinerator, or transfer station has not been closed in a manner  
6 that prevents erosion, health and safety hazards, nuisances, and pollution;

7 (ii) Specifies in the notice the deficiencies in the closing that  
8 must be corrected;

9 (iii) Gives the permit holder and the corporate surety a  
10 reasonable opportunity to correct the deficiencies and to close the landfill, incinerator,  
11 or transfer station in accordance with the regulations of the Department; and

12 (iv) Authorizes the local governing body to close the landfill,  
13 incinerator, or transfer station in accordance with the regulations of the Department.

14 (2) The local governing body shall use bond proceeds, cash, or the  
15 proceeds of other security to pay the cost of properly closing the landfill, incinerator, or  
16 transfer station.

17 9–215.

18 (a) When landfill operations end, the holder of a permit issued under this  
19 subtitle for a landfill system shall close and cover all of the land for which the permit  
20 was issued in a manner that prevents:

21 (1) Erosion;

22 (2) Health and safety hazards;

23 (3) Nuisances; and

24 (4) Pollution.

25 (b) **(1) THIS SUBSECTION APPLIES TO A RUBBLE LANDFILL THAT HAS**  
26 **NO SUBSURFACE LINER.**

27 **(2) FOR THE PURPOSES OF THIS SUBSECTION, “POSTCLOSURE**  
28 **PERIOD” MEANS A PERIOD NOT EXCEEDING 15 YEARS AFTER THE CLOSING OF**  
29 **AN UNLINED RUBBLE LANDFILL.**

1           **(3) THE DEPARTMENT, THE LOCAL HEALTH OFFICIAL, OR THE**  
2 **LOCAL HEALTH OFFICIAL'S DESIGNEE SHALL HAVE ACCESS, DURING THE**  
3 **POSTCLOSURE PERIOD, TO THE LAND ON WHICH LANDFILL OPERATIONS HAVE**  
4 **ENDED TO MONITOR WELLS AND TESTING POINTS FOR HEALTH AND SAFETY**  
5 **HAZARDS TO THE GROUNDWATER SUPPLY.**

6           **(4) AN OWNER SHALL KEEP ACCESS TO WELLS AND TESTING**  
7 **POINTS OPEN AND OPERATIONAL DURING THE POSTCLOSURE PERIOD.**

8           **(5) IF THE LANDFILL IS SOLD AT ANY TIME DURING THE**  
9 **POSTCLOSURE PERIOD, THE NEW OWNER SHALL PROVIDE ACCESS TO THE LAND,**  
10 **WELLS, AND TESTING POINTS IN ACCORDANCE WITH PARAGRAPHS (2) AND (3)**  
11 **OF THIS SUBSECTION.**

12           **(C)** The Department shall adopt regulations that set standards for the closing  
13 and covering of landfill systems.

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