

HOUSE BILL 1403

M1

EMERGENCY BILL

71r3085

By: **Delegates Olszewski, Aumann, Beidle, Bromwell, Cardin, V. Clagett, DeBoy, Frush, Glenn, Impallaria, Kach, Lafferty, Minnick, Stein, Stukes, Tarrant, and Weir**

Introduced and read first time: March 5, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Critical Area – Construction of a Facility – Prohibition**

3 FOR the purpose of prohibiting a certain facility from being located or constructed on
4 certain lands in certain counties; defining certain terms; providing for the
5 application of this Act; making this Act an emergency measure; and generally
6 relating to construction of facilities on lands in the Chesapeake Bay and
7 Atlantic Coastal Bays Critical Area.

8 BY repealing and reenacting, without amendments,
9 Article – Environment
10 Section 14–501(e)
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2006 Supplement)

13 BY adding to
14 Article – Natural Resources
15 Section 8–1808.10
16 Annotated Code of Maryland
17 (2000 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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 14-501.

2 (e) "Facility" means:

3 (1) Any pipeline carrying crude oil or natural gas ashore from offshore
4 sources;

5 (2) Any intermediate production terminal or refinery which is
6 designed to process at least ten thousand barrels of crude oil per calendar day;

7 (3) Any crude oil storage facility:

8 (i) Whose total design capacity is at least 100,000 barrels; or

9 (ii) Which occupies at least fifty acres; or

10 (iii) Whose average throughput is at least ten thousand barrels
11 per calendar day;

12 (4) Any facility for the processing, transmission, or storage of natural
13 gas with a total design capacity for at least one billion cubic feet of gas for storage or
14 two hundred million cubic feet for processing;

15 (5) Any operations base which:

16 (i) Includes port and harbor facilities;

17 (ii) Occupies at least twenty-five acres; and

18 (iii) Is designed, constructed and operated as an assembly area
19 for the storage, handling, and transport of supplies whose next and final destination is
20 any oil and/or gas exploration, development, or production-related operation
21 conducted in the territorial sea, contiguous zone or high seas area; or

22 (6) Any fabrication yard which is an assembly operation used for the
23 construction or preparation of petroleum drilling rigs, jackets or platforms, or
24 wellhead installations, whose final destination is installation or operation in the
25 territorial sea, contiguous zone, or high seas area.

26 **Article – Natural Resources**

27 **8-1808.10.**

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (2) “CONSTRUCTION” INCLUDES ACTIVITIES SUCH AS CLEARING,
4 GRADING, EXCAVATING, BUILDING, DREDGING, OR ANY OTHER ACTION THAT
5 WOULD AFFECT THE NATURAL ENVIRONMENT OF THE CRITICAL AREA.

6 (3) (I) “FACILITY” HAS THE MEANING STATED IN § 14-501(E)
7 OF THE ENVIRONMENT ARTICLE.

8 (II) “FACILITY” INCLUDES A FACILITY DESIGNED FOR:

9 1. NONMARITIME HEAVY INDUSTRY;

10 2. TRANSPORTATION, EXCEPT A FACILITY THAT IS
11 NECESSARY TO SERVE PERMITTED USES, OR WHERE REGIONAL OR INTERSTATE
12 FACILITIES MUST CROSS TIDAL WATERS;

13 3. UTILITY TRANSMISSION, EXCEPT A FACILITY
14 THAT IS NECESSARY TO SERVE PERMITTED USES, WHERE REGIONAL OR
15 INTERSTATE FACILITIES MUST CROSS TIDAL WATERS, OR EXISTING POWER
16 PLANTS;

17 4. PERMANENT SLUDGE HANDLING, STORAGE, AND
18 DISPOSAL, OTHER THAN THOSE ASSOCIATED WITH A PERMITTED WASTEWATER
19 TREATMENT PLANT;

20 5. SOLID OR HAZARDOUS WASTE COLLECTION OR
21 DISPOSAL; OR

22 6. A SANITARY LANDFILL.

23 (B) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY,
24 BALTIMORE CITY, AND BALTIMORE COUNTY.

25 (C) A FACILITY MAY NOT BE CONSTRUCTED OR LOCATED ON ANY LAND
26 WITHIN A CRITICAL AREA DESIGNATED IN ACCORDANCE WITH § 8-1807 OF THIS
27 SUBTITLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety,
3 has been passed by a yea and nay vote supported by three-fifths of all the members
4 elected to each of the two Houses of the General Assembly, and shall take effect from
5 the date it is enacted.