

SENATE BILL 555

M3

71r1254

By: **Senators Pipkin, Britt, Hooper, and Miller**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Bonding Requirement – Local Authority**

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

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:

20 **Article – Environment**

21 9–210.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

18 **9–211.2.**

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

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

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

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

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

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

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