

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 1031 (Senator Britt, *et al.*)
Education, Health, and Environmental Affairs

Environment - Landfills - Prohibition

This bill modifies provisions that prohibit 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 or within one mile of three specified creeks and/or tributaries in Prince George's County that flow directly or indirectly into the Potomac River. First, the bill expands the prohibition to all locations in Prince George's County. Second, the bill extends the prohibition to *all* landfills in affected areas, not just *rubble landfills*. Third, the bill repeals the June 1, 2009 termination date relating to the prohibition.

Fiscal Summary

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

Local Effect: Prince George's County expenditures could increase in future years to transfer solid waste out of the county. The bill is not expected to directly 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.

Each county must maintain a comprehensive 10-year solid waste management plan which covers at least the succeeding 10-year period.

Chapter 228 of 2006 provides that MDE may not issue any permit to construct or operate a rubble landfill within four miles of Unicorn Lake in Queen Anne's County, within one mile of the Piscataway Creek, a Piscataway Creek tributary, or the Mattawoman Creek, or within one mile of any other tributary in Prince George's County that flows directly or indirectly into the Potomac River.

The provision terminates June 1, 2009.

Background: MDE reports that the only active landfill permit application that currently would be affected by the bill is for a rubble landfill in northern Queen Anne's County. MDE also advises that under the bill it would not be able to issue renewal permits for the two landfills currently located in Prince George's County. The current permits for the county's Brown Station Road Landfill and the privately owned Ritchie Land Reclamation Rubble Landfill expire in 2010 and the early part of 2011. MDE advises the bill would effectively bar Prince George's County from subsequently siting a landfill for disposal of waste in the county.

Local Fiscal Effect: Prince George's County advises it currently has no plans to site a new landfill in the county's 10-year Solid Waste Management Plan. The bill, however, could increase costs for trash disposal in future years to transfer waste to other jurisdictions or states in the event the county would choose in future years to dispose of waste within the county in the absence of the bill's prohibition. In the near term, however, the county is in the process of revising its Solid Waste Management Plan and expects to depend on use of transfer stations to transport waste out of the county once the permit for the county's Brown Station Road Landfill expires.

Queen Anne's County advises the bill would not have a fiscal impact on the county and its existing local landfill resources are adequate for the foreseeable future.

Small Business Effect: According to MDE, there is only one active landfill permit application pending that could be affected by the bill's changes. MDE reports that the permit applicant is likely a small business. Under current law, MDE is prohibited from permitting that rubble landfill prior to 2009. Under the bill, the prohibition would become permanent. In addition, other businesses could be affected to the extent they are prohibited from siting a landfill in the affected areas as a result of the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Queen Anne's County, Maryland
Department of the Environment, Department of Legislative Services

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ncs/ljm

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