

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 363

(Queen Anne's County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

Environment - Landfills - Termination Date

This bill repeals the June 1, 2009 termination date of a provision that prohibits 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 or any other tributary in Prince George's County that flows directly or indirectly into the Potomac River. The bill also extends the prohibition to *all* landfills in those areas, not just *rubble landfills*. Finally, the bill requires the Maryland Department of the Environment (MDE) by January 1, 2008, to report to the General Assembly on appropriate methods to authorize a county to remove a proposed landfill from a county plan.

Fiscal Summary

State Effect: The bill's changes could be handled with existing budgeted resources.

Local Effect: Although Prince George's and Queen Anne's counties report that the bill would not materially affect local operations or finances, the bill would effectively prohibit the operation or siting of landfills in certain areas of those counties. Accordingly, in the long run, the bill could impact the solid waste disposal capacity in affected areas. Queen Anne's County reports, however, that existing local landfill resources are adequate for the foreseeable future.

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 MDE. Applicants obtain local approvals prior to applying to MDE for a permit.

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, at this time, the only active landfill permit application that would be affected by the bill is for a rubble landfill in northern Queen Anne's County.

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: SB 553 (Senator Pipkin, *et al.*) – Education, Health, and Environmental Affairs.

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

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