

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 346 (Delegate Costa)
Environmental Matters

**Environment - Unlined Rubble Landfills - Bond Release and Access for
Groundwater Testing**

This bill increases the length of time a bond or other security must remain on file, from 5 to 15 years after the closing of a rubble landfill, with respect to rubble landfills that have no subsurface liner. Specifically, the bill provides that, if a rubble landfill has no subsurface liner, the term of any bond filed and the time during which cash or other security must remain on deposit is the duration of the operation of the landfill and an additional 15 years after the closing of the landfill. Also, the Maryland Department of the Environment (MDE) or the local health official (or designee) must have access to the land to monitor wells and testing points during the post-closure period.

Fiscal Summary

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

Local Effect: The bill could be implemented with existing local resources. By extending the duration that bonds for unlined rubble landfills have to be maintained, the bill would provide local governments with additional protection in the event the owner of an unlined rubble landfill improperly closes the landfill. In addition, the bill would also provide legal access to local health officials to such landfills for monitoring purposes during the extended postclosure period.

Small Business Effect: Potential meaningful impact on affected entities.

Analysis

Current Law: Before the Secretary of the Environment issues a permit for a landfill, the permit applicant is required to file a bond with MDE or deposit with the local governing body cash, negotiable bonds, or other security approved by MDE. The term of any bond filed and the time during which cash or other security must remain on deposit is the duration of the operation of the landfill and an additional five years after the closing of the landfill. If MDE has assurances that the landfill has been closed in a manner that prevents erosion, health and safety hazards, nuisances, and pollution, MDE may release the security before the end of the five-year period.

Small Business Effect: MDE reports that at least a dozen rubble landfills, which were operated by commercial entities, are properly closed or in the process of properly closing. Some of these may have been operated or are currently owned by small businesses. For any unlined rubble landfill affected by the bill, the bond that has been filed in accordance with current law would have to be maintained for a longer period of time. According to MDE, no new businesses are likely to be impacted, as all newly permitted rubble landfills are required to have subsurface liners.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Charles County, Montgomery County, Prince George's County, Somerset County, Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2007
mam/ljm

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