

# HOUSE BILL 710

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8lr1422

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By: **Delegate Costa**

Introduced and read first time: February 4, 2008

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Scrap Tires – Reimbursement of Costs – Interest in Site**

3 FOR the purpose of clarifying a certain exemption from the requirement  
4 of reimbursing a certain fund for costs incurred due to the storage, disposal, or  
5 processing of scrap tires; adding certain requirements to qualify for the  
6 exemption; requiring an entity to place a certain site under a certain easement,  
7 subject to the approval of the Department of the Environment and within a  
8 certain time period or waive a certain exemption; and generally relating to the  
9 storage, disposal, or processing of scrap tires.

10 BY repealing and reenacting, with amendments,  
11 Article – Environment  
12 Section 9–276  
13 Annotated Code of Maryland  
14 (2007 Replacement Volume and 2007 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Environment**

18 9–276.

19 (a) Except as provided in subsection (d) of this section, all expenditures from  
20 the State Used Tire Cleanup and Recycling Fund made by the Department under  
21 § 9–275(a)(1) of this subtitle in response to the storage or disposal of used tires at a

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 particular site shall be reimbursed to the Department for the State Used Tire Cleanup  
2 and Recycling Fund by the owner or operator of the site or any other person who  
3 caused the tires to be stored or disposed of at the site in violation of this subtitle.

4 (b) In addition to any other legal action authorized by this subtitle, the  
5 Attorney General may bring an action to recover costs and interest from any person  
6 who fails to make reimbursement as required under subsection (a) of this section.

7 (c) Except as provided in subsection (d) of this section, the Department may  
8 recover costs incurred by the Department under § 9-275(a)(1) of this subtitle whether  
9 or not the discarded tires were disposed of or stored at the site before July 1, 1989.

10 (d) This section does not apply to expenditures related to removal,  
11 restoration, or remedial action in response to the disposal or storage of scrap tires in  
12 violation of this subtitle if the owner of a site where scrap tires were stored, disposed,  
13 or processed only before July 1, 1989:

14 (1) Is not engaged in the business of storage, disposal, or processing of  
15 scrap tires, hazardous substances, or other waste;

16 (2) Did not cause or allow scrap tires to be stored, disposed, or  
17 processed on the site; and

18 (3) (I) Obtained the site or an interest in the site by inheritance,  
19 bequest, or otherwise at the death of the transferor prior to January 1, 2000; OR

20 (II) **IS A LEGAL ENTITY:**

21 **1. THAT HAS A TANGIBLE NET WORTH OF LESS THAN**  
22 **\$1,700,000;**

23 **2. THAT HAS AN ANNUAL NET INCOME OF LESS THAN**  
24 **\$100,000, AVERAGED OVER THE PAST 3 YEARS;**

25 **3. THAT IS INDEPENDENTLY OWNED AND**  
26 **OPERATED;**

27 **4. THAT IS NOT A PUBLICLY TRADED ENTITY; AND**

28 **5. ~~IN~~ IN WHICH THE OWNERSHIP INTEREST IN THE**  
29 **LEGAL ENTITY WAS OBTAINED AT THE DEATH OF THE TRANSFEROR PRIOR TO**  
30 **JANUARY 1, 2000.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That an entity exempt from  
32 reimbursing the Department of the Environment for expenditures related to removal,  
33 restoration, or remedial action in response to the disposal or storage of scrap tires by

1 the Department of the Environment under § 9-276(d)(3)(ii) of the Environment  
2 Article, as enacted under Section 1 of this Act, shall:

3           (1) place the site where scrap tires were stored, disposed of, or  
4 processed under an agricultural preservation easement or a land conservation  
5 easement, subject to the Department’s approval, within 6 months of the completion of  
6 the removal, restoration, or remedial action; or

7           (2) waive its exemption under § 9-276(d)(3)(ii) of the Environment  
8 Article, as enacted under Section 1 of this Act.

9           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
10 effect October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.