

HOUSE BILL 128

M3

9lr1078

By: **Cecil County Delegation**

Introduced and read first time: January 23, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Disposal of Coal Combustion Byproducts - Zoning and Land**
3 **Use Requirements**

4 FOR the purpose of requiring a permit to install, materially alter, or materially extend
5 a coal combustion byproduct disposal facility; establishing the application
6 process for a permit to install, materially alter, or materially extend a coal
7 combustion byproduct disposal facility; prohibiting the installation, material
8 alteration, or material extension of a coal combustion byproduct disposal facility
9 that is not in accordance with a permit issued by the Secretary of the
10 Department of the Environment; prohibiting the Secretary from issuing a
11 permit to install, materially alter, or materially extend a site for the disposal of
12 coal combustion byproducts unless certain requirements are met in a certain
13 sequence and the Department of the Environment has received a written
14 statement from the county that the coal combustion byproduct disposal facility
15 meets all applicable county zoning and land use requirements; defining certain
16 terms; prohibiting the Secretary from issuing a certain permit for certain
17 facilities on land designated for inclusion in the critical area; making stylistic
18 changes; and generally relating to coal combustion byproduct disposal facilities.

19 BY repealing and reenacting, without amendments,
20 Article – Environment
21 Section 9–201(a) and 9–210(b)
22 Annotated Code of Maryland
23 (2007 Replacement Volume and 2008 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Environment
26 Section 9–204(a), (c), (d), (e), and (h) and 9–210(a)
27 Annotated Code of Maryland
28 (2007 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Environment
3 Section 9–201(a–1) and (a–2)
4 Annotated Code of Maryland
5 (2007 Replacement Volume and 2008 Supplement)

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

8 **Article – Environment**

9 9–201.

10 (a) In this subtitle the following words have the meanings indicated.

11 (A–1) (1) **“COAL COMBUSTION BYPRODUCT” MEANS THE RESIDUE**
12 **GENERATED BY OR RESULTING FROM THE BURNING OF COAL.**

13 (2) **“COAL COMBUSTION BYPRODUCT” INCLUDES:**

14 (I) **FLY ASH;**

15 (II) **BOTTOM ASH;**

16 (III) **BOILER SLAG;**

17 (IV) **POZZOLAN, AS DEFINED IN § 15–407 OF THIS ARTICLE;**

18 **AND**

19 (V) **SOLID RESIDUALS REMOVED BY AIR POLLUTION**
20 **CONTROL DEVICES FROM THE FLUE GAS AND COMBUSTION CHAMBERS OF**
21 **COAL–BURNING FURNACES AND BOILERS.**

22 (A–2) **“COAL COMBUSTION BYPRODUCT DISPOSAL FACILITY” MEANS A**
23 **FACILITY OR SITE AT WHICH COAL COMBUSTION BYPRODUCTS ARE OR WILL BE**
24 **DISPOSED.**

25 9–204.

26 (a) This section applies to any:

27 (1) [water] **WATER** supply system[,];

28 (2) [sewerage system,] **SEWERAGE SYSTEM;**

1 (3) [refuse] **REFUSE** disposal system that is for public use[,];

2 (4) **COAL COMBUSTION BYPRODUCT DISPOSAL FACILITY**; or

3 (5) [any refuse] **REFUSE** disposal system that is a solid waste
4 acceptance facility as defined in § 9-501(n) of this title if the solid waste acceptance
5 facility is installed, altered, or extended after July 1, 1988.

6 (c) (1) Before a person draws plans or submits an application under this
7 section for a proposed water supply system, sewerage system, [or] refuse disposal
8 system, **OR COAL COMBUSTION BYPRODUCT DISPOSAL FACILITY**, the person may
9 submit to the Secretary a preliminary statement on the proposed system.

10 (2) At the request of the person, the Secretary shall outline the
11 general requirements that must be met before the Secretary would approve the
12 proposed system.

13 (d) A person shall have a permit issued by the Secretary under this section
14 before the person installs, materially alters, or materially extends a water supply
15 system, sewerage system, [or] refuse disposal system, **OR COAL COMBUSTION**
16 **BYPRODUCT DISPOSAL FACILITY**.

17 (e) An applicant for a permit shall:

18 (1) Submit to the Secretary an application that contains:

19 (i) The complete plans and specifications for the installation,
20 alteration, or extension of the water supply system, sewerage system, [or] refuse
21 disposal system, **OR COAL COMBUSTION BYPRODUCT DISPOSAL FACILITY**;

22 (ii) For any application related to any solid waste acceptance
23 facility in the areas of Baltimore City designated by the United States Post Office as
24 zip code numbers 21225, 21226, and 21230, a groundwater and surface water impact
25 analysis prepared at the expense of the applicant regarding the proposed installation,
26 alteration, or extension; and

27 (iii) Any other information that the Secretary requires;

28 (2) Submit to the Secretary any material change in the plans and
29 specifications, with the reason for the change; and

30 (3) Pay the permit fee set by the Department.

31 (h) A person may not:

32 (1) Install, materially alter, or materially extend a water supply
33 system, sewerage system, [or] refuse disposal system, **OR COAL COMBUSTION**

1 **BYPRODUCT DISPOSAL FACILITY** in this State except in accordance with a permit
2 issued to the person by the Secretary under this section; or

3 (2) Embodiment any material change in construction until the Secretary
4 has issued a revised permit based on the submission to the Secretary under subsection
5 (e)(2) of this section.

6 9–210.

7 (a) Subject to the provisions of subsection (b) of this section, the Secretary
8 may not issue a permit to install, materially alter, or materially extend a refuse
9 disposal system **OR A COAL COMBUSTION BYPRODUCT DISPOSAL FACILITY**
10 regulated under § 9–204(a) of this subtitle until the requirements set forth in this
11 subsection are met in the following sequence:

12 (1) Except for the opportunity for a public informational meeting, the
13 Department has completed its preliminary phase 1 technical review of the proposed
14 refuse disposal system **OR COAL COMBUSTION BYPRODUCT DISPOSAL FACILITY**;

15 (2) The Department has reported the findings of its preliminary phase
16 1 technical review, in writing, to the county’s chief elected official and planning
17 commission of the county where the proposed refuse disposal system **OR COAL**
18 **COMBUSTION BYPRODUCT DISPOSAL FACILITY** is to be located; and

19 (3) The county has completed its review of the proposed refuse
20 disposal system **OR COAL COMBUSTION BYPRODUCT DISPOSAL FACILITY**, and has
21 provided to the Department a written statement that the refuse disposal system **OR**
22 **COAL COMBUSTION BYPRODUCT DISPOSAL FACILITY**:

23 (i) Meets all applicable county zoning and land use
24 requirements; and

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

26 **(A–1) THE SECRETARY MAY NOT ISSUE A PERMIT TO INSTALL,**
27 **MATERIALLY ALTER, OR MATERIALLY EXTEND A REFUSE DISPOSAL SYSTEM OR**
28 **A COAL COMBUSTION BYPRODUCT DISPOSAL FACILITY LOCATED ON LAND**
29 **DESIGNATED FOR INCLUSION IN THE CRITICAL AREA UNDER § 8–1807 OF THE**
30 **NATURAL RESOURCES ARTICLE.**

31 (b) Upon completion of the requirements of subsection (a)(1) and (2) of this
32 section, the Department shall cease processing the permit application until the
33 requirements of subsection (a)(3) of this section are met.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2009.