

SENATE BILL 1056

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By: **Senator Mooney**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 11, 2009

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Incinerator Permits – Conditions for Issuance**

3 FOR the purpose of prohibiting the Department of the Environment from issuing a
4 permit to construct an incinerator unless certain conditions are met; prohibiting
5 local jurisdictions from issuing a building permit for an incinerator unless
6 certain conditions are met; providing for the application of this Act; providing
7 that existing obligations or contract rights may not be impaired by this Act; and
8 generally relating to the conditions for issuing a permit for an incinerator.

9 BY repealing and reenacting, without amendments,
10 Article – Environment
11 Section 2–401
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2008 Supplement)

14 BY adding to
15 Article – Environment
16 Section 2–401.1
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2008 Supplement)

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

21 **Article – Environment**

22 2–401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Except as provided in § 2-402 of this subtitle, the Department may adopt
2 regulations that require a permit or registration before a person constructs, modifies,
3 operates, or uses a source that may cause or control emissions into the air.

4 **2-401.1.**

5 (A) **THE DEPARTMENT MAY NOT ISSUE A PERMIT TO CONSTRUCT AN**
6 **INCINERATOR UNLESS THE INCINERATOR:**

7 (1) **IS OR WOULD BE LOCATED:**

8 (I) **IN AN AREA THAT IS ZONED FOR HEAVY INDUSTRIAL**
9 **ACTIVITY; AND**

10 (II) **AT LEAST 3 MILES FROM THE PROPERTY BOUNDARY**
11 **LINE OF ANY RESIDENTIAL DWELLING, CHURCH, SCHOOL, PARK, OR HOSPITAL;**
12 **AND**

13 (2) **MEETS THE ZONING REQUIREMENTS OF THE LOCAL**
14 **JURISDICTION IN WHICH THE INCINERATOR IS OR WOULD BE LOCATED.**

15 (B) **A LOCAL JURISDICTION MAY NOT ISSUE A BUILDING PERMIT FOR AN**
16 **INCINERATOR UNLESS THE INCINERATOR MEETS THE REQUIREMENTS SET**
17 **FORTH IN SUBSECTION (A) OF THIS SECTION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
19 construed to apply only prospectively and may not be applied or interpreted to have
20 any effect on or application to any incinerator in existence for which all necessary
21 permits for construction, modification, operation, or use have been issued before the
22 effective date of this Act. If the construction, modification, operation, or use of an
23 incinerator is allowed to continue in accordance with this section:

24 (1) the use may not be expanded; and

25 (2) if abandoned, the use may not be resumed.

26 SECTION 3. AND BE IT FURTHER ENACTED, That a presently existing
27 obligation or contract right may not be impaired in any way by this Act.

28 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2009.