

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 1098  
(Senator Conway)  
Education, Health, and Environmental Affairs

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**Baltimore City - Construction Debris and Demolition Debris - Prohibition**

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This bill prohibits the Maryland Department of the Environment (MDE) and Baltimore City from initiating a civil suit or enforcement action against a facility in Baltimore City that accepts for recycling construction and demolition debris that contains a mixture of concrete, brick, and lumber if the lumber does not exceed 10% by volume of the mixture.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances. However, MDE advises that the bill's immunity from civil suits and other enforcement actions will significantly interfere with its ability to enforce permit conditions and other environmental laws against a facility covered by the bill.

**Local Effect:** Local government expenditures may decrease to the extent that any local facility in Baltimore City that currently accepts specified construction and demolition debris for recycling is granted immunity from MDE and Baltimore City enforcement actions and civil suits. The extent of the decrease in compliance costs or penalties, if any, is unclear at this time.

**Small Business Effect:** Potential meaningful.

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**Analysis**

**Current Law:** MDE permits, monitors, and inspects refuse disposal systems, including landfills and solid waste acceptance facilities. MDE may not issue a permit for a rubble landfill unless the relevant county has specified the types of waste that may be disposed of in that rubble landfill in its county solid waste management plan. The types of waste

that a county may allow to be disposed of in a rubble landfill include, among other things, construction and demolition debris that is not a controlled hazardous substance. Under current State regulations, acceptable construction and demolition debris includes concrete, bricks (excluding refractory type), and lumber, among other things.

**Background:** According to MDE, there are currently 12 permitted solid waste acceptance facilities in Baltimore City, although 2 of these facilities accept only medical waste. MDE advises that, of the 12 permitted solid waste acceptance facilities in Baltimore City, only 2 are owned by Baltimore City.

**Local Expenditures:** According to Baltimore City, one solid waste acceptance facility owned by the city currently accepts building waste. Thus, to the extent the facility accepts the specified mixture of construction and demolition debris for recycling, costs associated with compliance with local laws or State or federal environmental laws enforced by MDE may decrease. It is unclear at this time whether the bill will result in a material impact on Baltimore City finances, however.

**Small Business Effect:** Any small business facility in Baltimore City that currently accepts construction and demolition debris for recycling may realize a meaningful decrease in costs due to the immunity from enforcement provided by the bill. It is unclear whether any small businesses will be affected by the bill.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Maryland Department of the Environment, Department of Legislative Services

**Fiscal Note History:** First Reader - March 28, 2012  
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