

HOUSE BILL 835

M3, C2

3lr2351

By: **Delegates Carr, Gutierrez, and Waldstreicher**

Introduced and read first time: February 6, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Retail Service Stations – Setback Certification**

3 FOR the purpose of requiring certain retail service stations constructed after a certain
4 date to meet certain requirements; requiring a person constructing a certain
5 retail service station on or after a certain date to apply to the Department of the
6 Environment for a setback certification; requiring the Department to issue a
7 setback certification if a certain retail service station meets certain
8 requirements; prohibiting a person from constructing a certain retail service
9 station on or after a certain date without a setback certification; requiring the
10 Department to adopt certain regulations; defining certain terms; stating the
11 findings of the General Assembly; and generally relating to the location of retail
12 service stations.

13 BY adding to

14 Article – Business Regulation

15 Section 10–504

16 Annotated Code of Maryland

17 (2010 Replacement Volume and 2012 Supplement)

18 BY adding to

19 Article – Environment

20 Section 6–101 through 6–104 to be under the new subtitle “Subtitle 1. Retail
21 Service Stations”

22 Annotated Code of Maryland

23 (2007 Replacement Volume and 2012 Supplement)

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

26 **Article – Business Regulation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **10-504.**

2 **A RETAIL SERVICE STATION CONSTRUCTED AFTER OCTOBER 1, 2013,**
3 **THAT IS PROJECTED TO SELL MORE THAN 3,600,000 GALLONS OF GASOLINE**
4 **PER YEAR SHALL MEET THE REQUIREMENTS UNDER TITLE 6, SUBTITLE 1 OF**
5 **THE ENVIRONMENT ARTICLE.**

6 **Article – Environment**

7 **SUBTITLE 1. RETAIL SERVICE STATIONS.**

8 **6-101.**

9 **THE GENERAL ASSEMBLY FINDS THAT:**

10 **(1) RETAIL SERVICE STATIONS AND THE MOTOR VEHICLES USING**
11 **THEM RELEASE CHEMICALS, PARTICULATE MATTER, AND OTHER EMISSIONS,**
12 **INCLUDING BENZENE, 1,3-BUTADIENE, FORMALDEHYDE, ACETALDEHYDE, AND**
13 **PARTICULATE MATTER OF VARIOUS SIZES, THAT HAVE POTENTIALLY**
14 **HAZARDOUS, TOXIC, OR CARCINOGENIC EFFECTS ON HUMAN HEALTH AND THE**
15 **ENVIRONMENT;**

16 **(2) RESEARCH SHOWS THAT EXPOSURE TO PARTICULATE**
17 **MATTER INCREASES HEART AND LUNG DISEASE, ACUTE ASTHMA ATTACKS, AND**
18 **EARLY DEATH AND HAS A GREATER IMPACT ON CHILDREN, ELDERLY**
19 **INDIVIDUALS, AND INDIVIDUALS WITH EXISTING HEART OR LUNG DISEASE;**

20 **(3) THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAS**
21 **LOWERED THE ALLOWABLE LIMITS FOR PARTICULATE MATTER;**

22 **(4) PUBLIC HEALTH STUDIES SUGGEST THAT MOTOR VEHICLE**
23 **EMISSIONS HARM MENTAL HEALTH, INTELLIGENCE, AND EMOTIONAL**
24 **STABILITY;**

25 **(5) THE EFFECTS OF THESE EMISSIONS ARE DIRECTLY**
26 **PROPORTIONAL TO THE SIZE OF THE RETAIL SERVICE STATION AND THE RETAIL**
27 **SERVICE STATION'S PROXIMITY TO OTHER LAND USES;**

28 **(6) THE SIZE OF RETAIL SERVICE STATIONS HAS INCREASED**
29 **DRAMATICALLY, WITH RETAIL SERVICE STATIONS SELLING APPROXIMATELY**
30 **1,000,000 TO 2,000,000 GALLONS OF GASOLINE PER YEAR 15 YEARS AGO TO**
31 **SELLING APPROXIMATELY 6,000,000 TO 19,000,000 GALLONS OF GASOLINE PER**
32 **YEAR TODAY; AND**

1 **(7) VARIOUS STUDIES RECOMMEND THAT LARGE RETAIL**
2 **SERVICE STATIONS BE SETBACK AT LEAST 300 FEET TO 1,000 FEET FROM AREAS**
3 **OF SENSITIVE USE.**

4 **6-102.**

5 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
6 **INDICATED.**

7 **(B) “LARGE RETAIL SERVICE STATION” MEANS A RETAIL SERVICE**
8 **STATION THAT IS PROJECTED TO SELL MORE THAN 3,600,000 GALLONS OF**
9 **GASOLINE PER YEAR.**

10 **(C) “RETAIL SERVICE STATION” MEANS A RETAIL PLACE OF BUSINESS**
11 **AT WHICH MOTOR FUEL IS SOLD AND DELIVERED INTO THE FUEL SUPPLY TANKS**
12 **OF MOTOR VEHICLES.**

13 **6-103.**

14 **(A) ON OR AFTER OCTOBER 1, 2013, A PERSON CONSTRUCTING A**
15 **LARGE RETAIL SERVICE STATION SHALL APPLY TO THE DEPARTMENT FOR A**
16 **SETBACK CERTIFICATION.**

17 **(B) THE DEPARTMENT SHALL ISSUE A SETBACK CERTIFICATION IF THE**
18 **LARGE RETAIL SERVICE STATION WILL BE SETBACK AT LEAST 1,000 FEET,**
19 **BOUNDARY LINE TO BOUNDARY LINE, FROM:**

20 **(1) A HOSPITAL;**

21 **(2) A RESIDENTIAL PROPERTY;**

22 **(3) A PUBLIC OR PRIVATE SCHOOL;**

23 **(4) A DAY CARE CENTER;**

24 **(5) A PLAYGROUND;**

25 **(6) A PARK; OR**

26 **(7) AN OUTDOOR AREA THAT IS CATEGORIZED AS A CULTURAL,**
27 **ENTERTAINMENT, OR RECREATIONAL USE AREA.**

1 **(C) A PERSON MAY NOT CONSTRUCT A LARGE RETAIL SERVICE STATION**
2 **ON OR AFTER OCTOBER 1, 2013, WITHOUT A SETBACK CERTIFICATION ISSUED**
3 **BY THE DEPARTMENT.**

4 **6-104.**

5 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
6 **SUBTITLE.**

7 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
8 **October 1, 2013.**