

HOUSE BILL 1373

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By: **Delegate Niemann**

Introduced and read first time: February 11, 2014

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Permits to Construct or Materially Alter an Incinerator –**
3 **Limitations on Issuance**

4 FOR the purpose of prohibiting the Secretary of the Environment from issuing certain
5 permits to construct or materially alter an incinerator located within a certain
6 distance of certain locations; prohibiting a person from constructing an
7 incinerator within a certain distance of certain locations; providing for the
8 application of certain provisions of law; requiring a certain distance between
9 certain property boundary lines to be measured in a certain manner; altering
10 the application of a certain prohibition on certain facilities operating on a
11 certain date; defining a certain term; and generally relating to permits to
12 construct or materially alter an incinerator.

13 BY repealing and reenacting, without amendments,
14 Article – Environment
15 Section 9–204(a) and (d)
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Environment
20 Section 9–204(k)
21 Annotated Code of Maryland
22 (2007 Replacement Volume and 2013 Supplement)

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

25 **Article – Environment**

26 9–204.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) This section applies to any water supply system, sewerage system, refuse
2 disposal system that is for public use, or any refuse disposal system that is a solid
3 waste acceptance facility as defined in § 9–501(n) of this title if the solid waste
4 acceptance facility is installed, altered, or extended after July 1, 1988.

5 (d) A person shall have a permit issued by the Secretary under this section
6 before the person installs, materially alters, or materially extends a water supply
7 system, sewerage system, or refuse disposal system.

8 (k) (1) IN THIS SUBSECTION, “PROTECTED LOCATION” MEANS:

9 (I) A PRESCHOOL, ELEMENTARY, OR SECONDARY SCHOOL;

10 (II) A DAY CARE CENTER OR OTHER TYPE OF CHILD CARE
11 FACILITY;

12 (III) A HOSPITAL OR HEALTH CLINIC;

13 (IV) A NURSING HOME OR CONVALESCENT CARE FACILITY;

14 (V) A CHURCH, SYNAGOGUE, TEMPLE, MOSQUE, OR OTHER
15 PLACE OF WORSHIP;

16 (VI) AN ATHLETIC FACILITY OR A RECREATION CENTER;

17 (VII) AN ATHLETIC OR A RECREATION FIELD OR AREA; OR

18 (VIII) A FEDERAL, STATE, OR LOCAL PARK.

19 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
20 SUBSECTION, THIS SUBSECTION APPLIES TO AN INCINERATOR THAT:

21 (I) BURNS 250 TONS OR MORE OF:

22 1. MUNICIPAL SOLID WASTE;

23 2. FUEL DERIVED OR CREATED FROM SOLID WASTE;

24 OR

25 3. MEDICAL WASTE; AND

26 (II) IS SUBJECT TO FEDERAL STANDARDS UNDER TITLE 40,
27 PART 60, SUBPART EB OF THE CODE OF FEDERAL REGULATIONS.

1 **(3) THIS SUBSECTION DOES NOT APPLY TO:**

2 **(I) A CREMATORIUM; OR**

3 **(II) AN INCINERATOR USED SOLELY FOR THE DISPOSAL OF**
4 **DEAD ANIMALS.**

5 **[(1)] (4)** The Secretary may not issue any permit, including a permit
6 under subsection (d) of this section [or], § 7–232 of this article, **OR TITLE 26,**
7 **SUBTITLE 11 OF THE CODE OF MARYLAND REGULATIONS,** to construct or
8 [operate a municipal waste] **MATERIALLY ALTER AN** incinerator [for disposal of a
9 solid waste stream, as defined in § 9–1701 of this title, within 1 mile of a public or
10 private elementary or secondary school] **WITHIN 3 MILES OF ANY POINT ON THE**
11 **PROPERTY BOUNDARY LINE OF A PROTECTED LOCATION.**

12 **[(2)] (5)** A person may not construct [or operate a municipal waste]
13 **AN** incinerator [for disposal of a solid waste stream, as defined in § 9–1701 of this title,
14 within 1 mile of a public or private elementary or secondary school] **WITHIN 3 MILES**
15 **OF ANY POINT ON THE PROPERTY BOUNDARY LINE OF A PROTECTED LOCATION.**

16 **(6) IN DETERMINING THE DISTANCE BETWEEN AN INCINERATOR**
17 **PROPERTY BOUNDARY LINE AND A PROTECTED LOCATION PROPERTY**
18 **BOUNDARY LINE UNDER PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, THE**
19 **DISTANCE SHALL BE MEASURED FROM THE PROPERTY BOUNDARY LINE OF THE**
20 **INCINERATOR TO THE NEAREST POINT ON THE PROPERTY BOUNDARY LINE OF**
21 **THE PROTECTED LOCATION.**

22 **[(3)] (7)** This subsection may not be construed to prohibit:

23 (i) The operation, construction, reconstruction, replacement,
24 expansion, and material alteration or extension of an incinerator that was operating
25 as a resource recovery facility on January 1, 1997, **IF SUCH ACTIVITY WILL RESULT**
26 **IN A REDUCTION IN EMISSIONS, DISCHARGES TO WATERWAYS, OR IMPACTS TO**
27 **SURROUNDING COMMUNITIES, HUMAN HEALTH, OR THE ENVIRONMENT;** or

28 (ii) The issuance of permits necessary for the operation,
29 construction, reconstruction, replacement, expansion, and material alteration or
30 extension of an incinerator that was operating on January 1, 1997, **IF SUCH ACTIVITY**
31 **WILL RESULT IN A REDUCTION IN EMISSIONS, DISCHARGES TO WATERWAYS, OR**
32 **IMPACTS TO SURROUNDING COMMUNITIES, HUMAN HEALTH, OR THE**
33 **ENVIRONMENT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2014.