

# SENATE BILL 631

M3, C2

4lr2443

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By: **Senator Madaleno**

Introduced and read first time: January 30, 2014

Assigned to: Finance

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

13 BY adding to

14 Article – Business Regulation

15 Section 10–504

16 Annotated Code of Maryland

17 (2010 Replacement Volume and 2013 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 (2013 Replacement Volume)

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**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **10-504.**

2 **A RETAIL SERVICE STATION CONSTRUCTED OR EXPANDED AFTER**  
3 **OCTOBER 1, 2014, THAT IS PROJECTED TO SELL MORE THAN 3,600,000**  
4 **GALLONS OF GASOLINE PER YEAR SHALL MEET THE REQUIREMENTS UNDER**  
5 **TITLE 6, SUBTITLE 1 OF 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 **THE STATIONS RELEASE CHEMICALS, PARTICULATE MATTER, AND OTHER**  
12 **EMISSIONS, INCLUDING BENZENE, 1,3-BUTADIENE, FORMALDEHYDE,**  
13 **ACETALDEHYDE, AND PARTICULATE MATTER OF VARIOUS SIZES, THAT HAVE**  
14 **POTENTIALLY HAZARDOUS, TOXIC, OR CARCINOGENIC EFFECTS ON HUMAN**  
15 **HEALTH AND THE 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 AND OTHER**  
22 **POLLUTANTS;**

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

26 **(5) THE EFFECTS OF THESE EMISSIONS ARE DIRECTLY**  
27 **PROPORTIONAL TO THE AMOUNT OF FUEL SOLD BY THE RETAIL SERVICE**  
28 **STATION AND THE RETAIL SERVICE STATION'S PROXIMITY TO OTHER SENSITIVE**  
29 **LAND USES;**

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

1 SELLING APPROXIMATELY 3,000,000 TO 20,000,000 GALLONS OF GASOLINE PER  
2 YEAR TODAY; AND

3 (7) VARIOUS STUDIES RECOMMEND THAT LARGE RETAIL  
4 SERVICE STATIONS BE LOCATED AT LEAST 300 FEET FROM AREAS OF SENSITIVE  
5 LAND USE AND THAT THE MANDATED SETBACK SHALL INCREASE IN  
6 PROPORTION TO THE VOLUME OF FUEL SOLD IN EXCESS OF 3,600,000 GALLONS  
7 OF GASOLINE PER YEAR.

8 **6-102.**

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (B) "LARGE RETAIL SERVICE STATION" MEANS A RETAIL SERVICE  
12 STATION THAT IS PROJECTED TO SELL MORE THAN 3,600,000 GALLONS OF  
13 GASOLINE PER YEAR.

14 (C) "RETAIL SERVICE STATION" MEANS A RETAIL PLACE OF BUSINESS  
15 AT WHICH MOTOR FUEL IS SOLD AND DELIVERED INTO THE FUEL SUPPLY TANKS  
16 OF MOTOR VEHICLES.

17 **6-103.**

18 (A) ON OR AFTER OCTOBER 1, 2014, A PERSON CONSTRUCTING OR  
19 EXPANDING A LARGE RETAIL SERVICE STATION SHALL APPLY TO THE  
20 DEPARTMENT FOR A SETBACK CERTIFICATION.

21 (B) THE DEPARTMENT SHALL ISSUE A SETBACK CERTIFICATION IF THE  
22 LARGE RETAIL SERVICE STATION WILL BE LOCATED AT LEAST 300 FEET,  
23 BOUNDARY LINE TO BOUNDARY LINE, FROM:

24 (1) A HOSPITAL;

25 (2) A RESIDENTIAL PROPERTY;

26 (3) A PUBLIC OR PRIVATE SCHOOL;

27 (4) A DAY CARE CENTER;

28 (5) A PLAYGROUND;

29 (6) A PARK; OR

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

3           **(C) A PERSON MAY NOT CONSTRUCT A LARGE RETAIL SERVICE STATION**  
4 **ON OR AFTER OCTOBER 1, 2014, WITHOUT A SETBACK CERTIFICATION ISSUED**  
5 **BY THE DEPARTMENT.**

6 **6-104.**

7           **THE DEPARTMENT SHALL ADOPT REGULATIONS TO:**

8           **(1) CARRY OUT THIS SUBTITLE; AND**

9           **(2) ON OR BEFORE MARCH 30, 2015, ESTABLISH A SETBACK**  
10 **CERTIFICATION SCALE OF LARGER SETBACKS FOR STATIONS PROJECTED TO**  
11 **SELL 5,000,000 TO 20,000,000 GALLONS OF GASOLINE PER YEAR.**

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