

# HOUSE BILL 1427

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CF SB 514

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By: **Delegate Hucker**

Introduced and read first time: February 24, 2010

Assigned to: Rules and Executive Nominations

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## 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; repealing a certain provision prohibiting the  
7 Secretary from issuing certain permits to construct or operate a municipal  
8 waste incinerator for the disposal of a certain solid waste stream within a  
9 certain distance of certain schools; repealing a certain provision related to the  
10 application of a certain prohibition; clarifying a certain term; and generally  
11 relating to the permitting authority of the Secretary of the Environment related  
12 to incinerators.

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 2009 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 2009 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.

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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, "INCINERATOR" DOES NOT INCLUDE:**

9 **(I) CREMATORIA; OR**

10 **(II) AN INCINERATOR USED SOLELY FOR THE DISPOSAL OF**  
11 **DEAD ANIMALS.**

12 **(2)** The Secretary may not issue any permit, including a permit under  
13 subsection (d) of this section or § 7-232 of this article, to construct or [operate a  
14 municipal waste] **MATERIALLY ALTER AN incinerator [for disposal of a solid waste**  
15 **stream, as defined in § 9-1701 of this title,] within [1 mile of a public or private**  
16 **elementary or secondary school] 3 MILES OF:**

17 **(I) EVERY POINT ON THE PROPERTY BOUNDARY LINE OF:**

18 **1. A SCHOOL;**

19 **2. A HOSPITAL;**

20 **3. A NURSING HOME;**

21 **4. A CHURCH OR OTHER PLACE OF WORSHIP;**

22 **5. AN AREA ZONED FOR RESIDENTIAL USE;**

23 **6. A FEDERAL, STATE, OR LOCAL PARK; OR**

24 **7. AN ATHLETIC OR RECREATION FIELD OR AREA, A**  
25 **SPORTS FACILITY, OR A SPORTS COMPLEX; AND**

26 **(II) A TRIBUTARY OF THE CHESAPEAKE BAY.**

27 [(2) A person may not construct or operate a municipal waste  
28 incinerator for disposal of a solid waste stream, as defined in § 9-1701 of this title,  
29 within 1 mile of a public or private elementary or secondary school.

1           (3)    This subsection may not be construed to prohibit:

2                   (i)    The operation, construction, reconstruction, replacement,  
3 expansion, and material alteration or extension of an incinerator that was operating  
4 as a resource recovery facility on January 1, 1997; or

5                   (ii)   The issuance of permits necessary for the operation,  
6 construction, reconstruction, replacement, expansion, and material alteration or  
7 extension of an incinerator that was operating on January 1, 1997.]

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2010.