

HOUSE BILL 1235

P3, L6

1lr2846

By: **Delegates Aumann and Bates**

Introduced and read first time: February 21, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State and Local Government – Disposition or Demolition of Surplus Real**
3 **Property – Asbestos Remediation**

4 FOR the purpose of requiring the State or a local government to remove and destroy
5 asbestos or asbestos-containing material in a certain area of a building on
6 certain surplus real property before the sale, transfer, or demolition of the
7 building on the property; requiring that the asbestos abatement be conducted in
8 a certain manner; defining certain terms; authorizing the Governor to waive
9 certain requirements under certain circumstances; and generally relating to the
10 disposition or demolition of surplus real property and asbestos remediation.

11 BY adding to

12 Article 24 – Political Subdivisions – Miscellaneous Provisions
13 Section 1–112
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2010 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – State Finance and Procurement
18 Section 5–310(a) and (b)
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2010 Supplement)

21 BY adding to

22 Article – State Finance and Procurement
23 Section 5–310.1
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2010 Supplement)

26 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The American Cancer Society has stated that the inhalation of
2 asbestos fibers has been proven to cause lung cancer; and

3 WHEREAS, The General Assembly is concerned about the long-term liabilities
4 associated with the placement of asbestos and asbestos-containing material into
5 landfills; and

6 WHEREAS, Asbestos and asbestos-containing materials need to be rendered
7 harmless and transformed on-site into nontoxic, nonhazardous material; and

8 WHEREAS, The General Assembly recognizes the problems associated with
9 incinerating or boiling hazardous waste and, therefore, desires that State and local
10 governments destroy asbestos on its surplus properties in an environmentally benign
11 manner; and

12 WHEREAS, It is in the best interests of the State to protect the environment
13 and the health of its citizens by eliminating the ongoing dangers of asbestos whenever
14 possible and practicable; now, therefore,

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

17 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

18 **1–112.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

21 **(2) “ASBESTOS” MEANS THE GENERIC NAME FOR A GROUP OF:**

22 **(I) SIX NATURALLY OCCURRING FIBROUS SILICATE**
23 **MINERALS, INCLUDING THE FIBROUS SERPENTINE MINERAL CHRYSOTILE; AND**

24 **(II) FIVE FIBROUS AMPHIBOLE MINERALS, INCLUDING:**

25 **1. ACTINOLITE;**

26 **2. AMOSITE;**

27 **3. ANTHOPHYLLITE;**

28 **4. CROCIDOLITE; AND**

29 **5. TREMOLITE.**

1 **(3) “ASBESTOS-CONTAINING MATERIAL” MEANS ANY MATERIAL**
2 **CONTAINING MORE THAN 1% ASBESTOS BY WEIGHT.**

3 **(4) “INTERIOR SPACE” HAS THE MEANING STATED IN § 6-401 OF**
4 **THE ENVIRONMENT ARTICLE.**

5 **(5) “LOCAL GOVERNMENT” MEANS:**

6 **(I) A COUNTY;**

7 **(II) A MUNICIPAL CORPORATION;**

8 **(III) A SPECIAL TAXING DISTRICT; OR**

9 **(IV) A REGIONAL GOVERNMENT ENTITY CREATED BY STATE**
10 **LAW THAT PROVIDES SERVICES IN MORE THAN ONE COUNTY.**

11 **(B) BEFORE THE SALE, TRANSFER, OR DEMOLITION OF ANY BUILDING**
12 **ON SURPLUS REAL PROPERTY OWNED BY A LOCAL GOVERNMENT, THE LOCAL**
13 **GOVERNMENT SHALL REMOVE AND DESTROY ANY ASBESTOS OR**
14 **ASBESTOS-CONTAINING MATERIAL IN ANY INTERIOR SPACE IN ANY BUILDING**
15 **ON THE PROPERTY.**

16 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ASBESTOS**
17 **ABATEMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE**
18 **CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 6, SUBTITLE**
19 **4 OF THE ENVIRONMENT ARTICLE.**

20 **(2) THE ASBESTOS ABATEMENT:**

21 **(I) MAY NOT BE PERFORMED BY A THERMAL PROCESS OR**
22 **BY INCINERATION; AND**

23 **(II) SHALL BE PERFORMED AT A TEMPERATURE LESS THAN**
24 **180° FAHRENHEIT.**

25 **(D) ON PETITION BY THE LOCAL GOVERNMENT, THE GOVERNOR MAY**
26 **WAIVE THE REQUIREMENTS OF THIS SECTION ON DECLARATION TO THE**
27 **GENERAL ASSEMBLY THAT IT IS IN THE INTEREST OF NATIONAL SECURITY TO**
28 **DO SO.**

29 **Article – State Finance and Procurement**

30 5-310.

1 (a) Each unit of the State government shall notify the Department in writing
2 of:

3 (1) any real property that is in excess of the needs of the unit; or

4 (2) any substantial change to any real property owned by the State.

5 (b) Subject to subsection (c) of this section, for any real property identified
6 under subsection (a) of this section, the Department shall:

7 (1) study the proper disposition of the property;

8 (2) determine whether any local government or unit of the State
9 government is interested in the property; and

10 (3) make an appropriate recommendation to the using unit of the
11 State government and to the Board of Public Works.

12 **5-310.1.**

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
14 MEANINGS INDICATED.

15 (2) "ASBESTOS" MEANS THE GENERIC NAME FOR A GROUP OF:

16 (I) SIX NATURALLY OCCURRING FIBROUS SILICATE
17 MINERALS, INCLUDING THE FIBROUS SERPENTINE MINERAL CHRYSOTILE; AND

18 (II) FIVE FIBROUS AMPHIBOLE MINERALS, INCLUDING:

19 1. ACTINOLITE;

20 2. AMOSITE;

21 3. ANTHOPHYLLITE;

22 4. CROCIDOLITE; AND

23 5. TREMOLITE.

24 (3) "ASBESTOS-CONTAINING MATERIAL" MEANS ANY MATERIAL
25 CONTAINING MORE THAN 1% ASBESTOS BY WEIGHT.

1 **(4) “INTERIOR SPACE” HAS THE MEANING STATED IN § 6-401 OF**
2 **THE ENVIRONMENT ARTICLE.**

3 **(B) BEFORE THE DISPOSITION OR DEMOLITION OF ANY BUILDING ON**
4 **PROPERTY SUBJECT TO § 5-310 OF THIS SUBTITLE, THE STATE SHALL REMOVE**
5 **AND DESTROY ANY ASBESTOS OR ASBESTOS-CONTAINING MATERIAL IN ANY**
6 **INTERIOR SPACE IN ANY BUILDING ON THE PROPERTY.**

7 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ASBESTOS**
8 **ABATEMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE**
9 **CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 6, SUBTITLE**
10 **4 OF THE ENVIRONMENT ARTICLE.**

11 **(2) THE ASBESTOS ABATEMENT:**

12 **(I) MAY NOT BE PERFORMED BY A THERMAL PROCESS OR**
13 **BY INCINERATION; AND**

14 **(II) SHALL BE PERFORMED AT A TEMPERATURE LESS THAN**
15 **180° FAHRENHEIT.**

16 **(D) THE GOVERNOR MAY WAIVE THE REQUIREMENTS OF THIS SECTION**
17 **ON DECLARATION TO THE GENERAL ASSEMBLY THAT IT IS IN THE INTEREST OF**
18 **NATIONAL SECURITY TO DO SO.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2011.