

HOUSE BILL 428

M3
HB 614/10 – ENV

11r2086

By: **Delegates Love, Barnes, Beidle, Costa, George, Kipke, Pena–Melnik, and Sophocleus**

Introduced and read first time: February 4, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Coal Combustion By–Products – Permits**

3 FOR the purpose of requiring the Department of the Environment to hold an
4 informational meeting with respect to certain permit applications involving the
5 disposal of coal combustion by–products; requiring a certain informational
6 meeting to be conducted in a certain location; requiring the Department to hold
7 a public hearing before the Secretary of the Environment issues certain permits
8 that involve the disposal of coal combustion by–products; requiring the
9 Department to mail written notice of a certain public hearing to certain local
10 governments under certain circumstances; and generally relating to permits
11 issued for the disposal of coal combustion by–products.

12 BY adding to
13 Article – Environment
14 Section 9–291
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2010 Supplement)

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

19 **Article – Environment**

20 **9–291.**

21 **(A) (1) NOTWITHSTANDING § 1–603(C) OF THIS ARTICLE, THE**
22 **DEPARTMENT SHALL HOLD AN INFORMATIONAL MEETING WITH RESPECT TO**
23 **ANY PERMIT APPLICATION RECEIVED BY THE DEPARTMENT THAT INVOLVES**
24 **THE DISPOSAL OF COAL COMBUSTION BY–PRODUCTS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE INFORMATIONAL MEETING CONDUCTED IN ACCORDANCE**
2 **WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL BE HELD WITHIN A 5-MILE**
3 **RADIUS OF THE LOCATION WHERE THE DISPOSAL OF COAL COMBUSTION**
4 **BY-PRODUCTS WILL OCCUR, UNLESS THE SECRETARY DETERMINES THAT NO**
5 **SUITABLE LOCATION EXISTS WITHIN THE 5-MILE RADIUS.**

6 **(B) (1) BEFORE THE SECRETARY ISSUES A PERMIT TO INSTALL,**
7 **MATERIALLY ALTER, OR MATERIALLY EXTEND A LANDFILL OR LANDFILL**
8 **SYSTEM THAT ACCEPTS COAL COMBUSTION BY-PRODUCTS, THE DEPARTMENT**
9 **SHALL HOLD A PUBLIC HEARING ON THE PERMIT APPLICATION.**

10 **(2) THE DEPARTMENT SHALL MAIL WRITTEN NOTICE OF THE**
11 **PUBLIC HEARING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO**
12 **THE GOVERNING BODY OF:**

13 **(I) THE COUNTY IN WHICH THE LANDFILL OR LANDFILL**
14 **SYSTEM IS LOCATED; AND**

15 **(II) ANY COUNTY WITHIN A 5-MILE RADIUS OF THE**
16 **LANDFILL OR LANDFILL SYSTEM.**

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