

# HOUSE BILL 1032

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By: **Delegates Smith, R. Lewis, Lierman, and Mosby**

Introduced and read first time: February 5, 2020

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Solid Waste Management – Refuse Disposal Systems – Incinerators, Scrap Tires,**  
3 **and Local Authority**

4 FOR the purpose of prohibiting the Secretary of the Environment from issuing a permit to  
5 install, materially alter, or materially extend an incinerator for disposal of a solid  
6 waste stream; prohibiting a person that stores scrap tires in a certain manner from  
7 returning the scrap tires to the marketplace for use as artificial turf; establishing,  
8 under a certain scrap tire recycling system implemented by the Maryland  
9 Environmental Service, a certain priority for certain entities that use scrap tires for  
10 tire retreading; prohibiting a person from incinerating scrap tires; repealing certain  
11 provisions of law relating to certain processing of scrap tires for use as certain fuel  
12 in certain facilities; specifying that certain provisions of law do not limit certain  
13 authority of a political subdivision to regulate refuse disposal systems or solid waste,  
14 subject to a certain condition; making a stylistic change; and generally relating to  
15 solid waste management and refuse disposal systems.

16 BY repealing and reenacting, without amendments,  
17 Article – Environment  
18 Section 9–101(a) and (j)(1) and 9–201(a), (e) through (j), and (q)  
19 Annotated Code of Maryland  
20 (2014 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Environment  
23 Section 9–204.1 and 9–228(b) and (c)  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2019 Supplement)

26 BY adding to  
27 Article – Environment  
28 Section 9–731 to be under the new part “Part IV. Refuse Disposal Systems and Solid

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Waste Regulation”  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

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

**Article – Environment**

9–101.

(a) In this title the following words have the meanings indicated.

(j) (1) “Solid waste” means any garbage, refuse, sludge, or liquid from  
industrial, commercial, mining, or agricultural operations or from community activities.

9–201.

(a) In this subtitle the following words have the meanings indicated.

(e) “Refuse disposal system” includes:

(1) An incinerator;

(2) A transfer station;

(3) A landfill system;

(4) A landfill;

(5) A solid waste processing facility; and

(6) Any other solid waste acceptance facility.

(f) “Scrap tire” means any tire that no longer is suitable for its original intended  
purpose by virtue of wear, damage, or defect.

(g) “Scrap tire collection facility” means a place where scrap tires are:

(1) Deposited by a consumer or a scrap tire hauler; and

(2) Transferred to another scrap tire collection facility or scrap tire  
recycler.

(h) “Scrap tire hauler” means a person who as part of a commercial business:

(1) Transports scrap tires; and

(2) Is approved and licensed by the Department to transport scrap tires to a scrap tire recycler or a scrap tire collection facility.

(i) “Scrap tire recycler” means a person who is approved and licensed by the Department to process scrap tires to a form of raw materials or products that may be returned to the marketplace.

(j) “Service” means the Maryland Environmental Service.

(q) “Store scrap tires” means the accumulation of scrap tires in any form or configuration in excess of 15,000 cubic feet.

9–204.1.

The Secretary may not issue a permit to install, materially alter, or materially extend an incinerator for disposal of a solid waste stream, as defined in § 9–1701 of this title[, unless the county where the proposed incinerator is to be installed, materially altered, or materially extended has a recycling plan submitted and approved in accordance with § 9–505 of this title].

9–228.

(b) **(1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A** person may not store scrap tires in the State unless the person demonstrates to the satisfaction of the Department that, within 90 days of the time that the person stores the scrap tires, the scrap tires will be:

**[(1)] (I)** Returned to the marketplace; **OR**

**[(2)]** Used as fuel in an approved resource recovery incinerator;

**(3)** Used as a tire derived fuel in an approved facility; or

**[(4)] (II)** Transferred, by means of a scrap tire hauler, to any facility within the scrap tire recycling system established under subsection (c) of this section.

**(2) A PERSON THAT STORES SCRAP TIRES IN ACCORDANCE WITH THIS SECTION MAY NOT RETURN SCRAP TIRES TO THE MARKETPLACE FOR USE AS ARTIFICIAL TURF.**

(c) (1) The service shall establish a scrap tire recycling system that includes scrap tire collection facilities, scrap tire haulers, and in the following order of priority:

**(I) ENTITIES THAT USE SCRAP TIRES FOR TIRE RETREADING;**

**AND**

1                                ~~[(i)]~~ **(II)**       Scrap tire recyclers[; and

2                                (ii)     1.       An approved resource recovery facility that uses tires as a  
3 fuel substitute; or

4                                2.       An approved facility that uses tires as a tire derived fuel].

5                                (2)     A person may not incinerate **SCRAP** tires [except in:

6                                (i)     An approved resource recovery facility that uses tires as a fuel  
7 substitute; or

8                                (ii)    An approved facility that uses tires as a tire derived fuel.

9                                (3)     A facility that processes scrap tires for use as a fuel in an incinerator,  
10 boiler, or resource recovery facility or a facility that burns or incinerates scrap tires may  
11 not be approved or licensed under this subtitle, unless:

12                                (i)     There is no reasonable and economically available opportunity to  
13 process the tires and return them to the marketplace for reuse; and

14                                (ii)    The burning or incineration meets all federal and State air  
15 quality standards].

16       **9-729. RESERVED.**

17       **9-730. RESERVED.**

18                **PART IV. REFUSE DISPOSAL SYSTEMS AND SOLID WASTE REGULATION.**

19       **9-731.**

20                **(A)    EXCEPT AS PROVIDED IN THIS PART, THIS TITLE DOES NOT LIMIT THE**  
21 **POWER OF A POLITICAL SUBDIVISION TO ADOPT ANY ORDINANCE, RESOLUTION,**  
22 **LAW, OR RULE TO REGULATE REFUSE DISPOSAL SYSTEMS OR SOLID WASTE.**

23                **(B)    A POLITICAL SUBDIVISION MAY NOT ADOPT ANY ORDINANCE,**  
24 **RESOLUTION, LAW, OR RULE TO REGULATE REFUSE DISPOSAL SYSTEMS OR SOLID**  
25 **WASTE IN A MANNER THAT IS LESS STRINGENT THAN THE STANDARDS SET BY THE**  
26 **DEPARTMENT UNDER THIS TITLE.**

27                **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
28 October 1, 2020.