

Letter from Department of Natural Resources on
House Bill 1683

May 23, 1974.

Mr. Alan Wilner
Legislative Office
State House
Annapolis, Maryland 21404

Dear Alan:

House Bill No. 1683, introduced by the Charles County delegation and enacted by the 1974 Maryland General Assembly, amends Section 49A(a) of Article 9 of the Public Local Laws of Maryland. Your attention is invited to lines 76, 77, and 78 of Section 1 of the bill, which have the effect of including sewage among the "solid wastes" which may not be transported into Charles County without obtaining a permit from the county commissioners.

The term "solid wastes" is defined in Section 387C(a) of Article 43 and Section 3-101(n) of the Natural Resources Article. The two definitions differ slightly in wording but agree that "solid wastes" are "all waste materials other than gaseous and liquid wastes." The definition in the Natural Resources Article specifically includes "wastewater treatment residue," or sludge. The term "liquid waste" is defined in Section 3-101(j) of the Natural Resources Article as "any water-carried wastes or wastes which are liquid in nature..." Nowhere in the Maryland statutes do we find a formal definition of the word "sewage," but the wording of numerous sections of the Code clearly implies the liquid nature of the material.

We believe that the designation of sewage as a solid waste is not only completely illogical but counter to the intention of the General Assembly. Chapter 240 of the 1970 Acts (now codified as Subtitle 1 of Title 3 of the Natural Resources Article) created the Maryland Environmental Service and clearly enunciated legislative policy relating to liquid and solid wastes. As with other significant environmental legislation enacted during Governor Mandel's administration, much serious consideration was given during hearings on the bill (Senate Bill 382) to the balance of State and local authority. As a compromise agreed to by the administration and the Maryland Association of Counties, the bill was amended in the Senate to provide that:

(1) The Maryland Environmental Service must obtain express consent of the governing body to dispose