

Article 43 - Health
 Section 394B
 Annotated Code of Maryland
 (1971 Replacement Volume and 1975 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 394B of Article 43 - Health, of the Annotated Code of Maryland (1971 Replacement Volume and 1975 Supplement) be and it is hereby repealed and reenacted, with amendments, to read as follows:

Article 43 - Health

394B.

The holder or holders of any permit for a landfill refuse disposal system issued under § 394 of this article, upon the termination of landfill operations, shall close and cover all of the land for which the permit was issued in a manner which prevents erosion, health and safety hazards, nuisances, and pollution. AS A CONDITION PRECEDENT FOR THE GRANTING OF THE PERMIT, [[THE]] [[STATE]] THE COUNTY OR MUNICIPALITY EXERCISING RESPONSIBILITY FOR THE LANDFILL MAY RESERVE TO ITSELF THE OPTION FOR A SPECIFIED PERIOD OF TIME NOT TO EXTEND BEYOND THE TIME THE PROPERTY IS ACTIVELY BEING USED AS A LANDFILL TO ENTER INTO A CONTRACT WITH THE PERMIT HOLDER OR HOLDERS TO PURCHASE THE LANDFILL FOR [[PUBLIC USE]] OPEN SPACE OR RECREATIONAL PURPOSES [, AND TO SPECIFY A CERTAIN TIME FOR THAT USE]]. IN THE EVENT THE COUNTY OR MUNICIPALITY EXERCISING RESPONSIBILITY FOR THE LANDFILL DECLINES TO RESERVE OR EXERCISE THE OPTION, THEN THE STATE MAY DO SO. [This] THESE [obligation] OBLIGATIONS shall be binding on the heirs, representatives, successors and assigns of [such] THE holder or holders. Before a permit for a landfill refuse disposal system [shall be] IS issued to any nonmunicipal corporation or to any other private organization or person, the applicant for [such] THE permit shall file with the State Department of Health a bond on a form to be prescribed and furnished by the Department. The bond [shall be] IS payable to the governing body of the political subdivision in which the landfill is to be located, and the obligation of the bond shall be conditioned upon the closing and covering of the landfill in a manner which prevents erosion, health and safety hazards, nuisances, and pollution. The bond shall be in the amount of [one thousand dollars (\$1,000.00)] \$1,000 for each acre of land for which the permit is to be applied, but in no event less than [twenty-five thousand dollars (\$25,000)] \$25,000. Liability under the bond [shall be] IS for the duration of the actual operation of the landfill and for a period of five years [thereafter] AFTER THAT unless released [prior thereto] EARLIER by the Department upon receipt of assurance that the landfill has been closed and covered in the required manner. The bond shall be executed by the applicant and by a corporate surety