

Article-43---Health
Article - Health - Environmental

394-9-210.

{E} (F) THE SECRETARY OF HEALTH AND MENTAL HYGIENE MAY NOT ISSUE A PERMIT UNDER THE PROVISIONS OF THIS SECTION FOR ANY PROPOSED LANDFILL SYSTEM OF REFUSE DISPOSAL FOR HAZARDOUS WASTES WHEN THE PROPOSED LANDFILL SYSTEM IS WITHIN 1.5 MILES OF ANY SCHOOL. IF THE PROPOSED LANDFILL SYSTEM WOULD NOT QUALIFY FOR A CERTIFICATE OF PUBLIC NECESSITY UNDER § 3-705(D)(2) OF THE NATURAL RESOURCES ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That section(s) of the Annotated Code of Maryland read(s) as follows:

Article - Natural Resources

3-705.

(a) (1) Subject to the provisions of this subtitle, the Board shall issue certificates of public necessity:

(i) For the siting of hazardous waste facilities; and

(ii) For the siting of low-level nuclear waste facilities.

(2) A certificate under this subtitle is not required if a site and facility are otherwise authorized by law.

(3) A certificate is not required for a facility used for receipt, transfer, recovery, or disposal of nonhazardous or nonradioactive residential, commercial, or industrial waste.

(b) In deciding whether to issue a certificate, the Board shall consider but not be limited to the following:

(1) Environmental, social, technical, and economic factors as they apply to a particular proposed site; and

(2) The need for and problems associated with the comprehensive statewide disposal of hazardous and low-level nuclear waste.

(c) The design, construction, and operation of a facility on a site for which a certificate has been issued, and the associated transportation of hazardous or low-level nuclear waste to and from the facility, shall be subject to