

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

Article – Environment

9-211.

(a) (1) Except FOR A SANITARY LANDFILL THAT IS SUBJECT TO § 9-211.1 OF THIS SUBTITLE, AND as provided in paragraph (2) of this subsection, before the Secretary issues a permit for a landfill, incinerator, or transfer station to any private person, the applicant for the permit shall:

(i) File with the Department a bond on the form that the Department provides; or

(ii) Deposit with the governing body of the local jurisdiction where the landfill, incinerator, or transfer station will be located cash, negotiable bonds of the federal government or this State, or any other security that the Department approves.

(2) The Secretary may adopt regulations to exempt any legitimate recycling or reclamation facility from the requirements of this section.

9-211.1.

(A) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING FINANCIAL ASSURANCE FOR SANITARY LANDFILLS THAT ACCEPT MUNICIPAL SOLID WASTE ~~AND LANDFILLS THAT ACCEPT RUBBLE.~~

(2) FOR MUNICIPAL SOLID WASTE LANDFILLS, THE REGULATIONS SHALL BE CONSISTENT WITH AND MAY NOT EXCEED THE REQUIREMENTS OF FEDERAL REGULATIONS GOVERNING FINANCIAL ASSURANCE (40 C.F.R. SECTION 258.70 THROUGH 258.74).

(3) A REGULATION ADOPTED UNDER THIS SECTION WHICH IS APPLICABLE TO MUNICIPAL SOLID WASTE LANDFILLS MAY NOT TAKE EFFECT UNTIL AFTER THE EFFECTIVE DATE OF FEDERAL REGULATIONS GOVERNING FINANCIAL ASSURANCE ADOPTED PURSUANT TO 40 C.F.R. SECTION 258.70 THROUGH 258.74 AND SHALL CEASE TO BE EFFECTIVE WHENEVER THOSE FEDERAL REGULATIONS ARE SUSPENDED OR REPEALED.

(B) BEFORE THE SECRETARY ISSUES A PERMIT FOR A SANITARY LANDFILL, THE APPLICANT FOR THE PERMIT SHALL PROVIDE PROOF OF FINANCIAL ASSURANCE IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SECTION.

(C) UNTIL THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION ARE EFFECTIVE, OR IF THOSE REGULATIONS CEASE TO BE EFFECTIVE, SANITARY LANDFILLS THAT ACCEPT MUNICIPAL SOLID WASTE ~~AND LANDFILLS THAT ACCEPT RUBBLE~~ SHALL COMPLY WITH THE REQUIREMENTS OF § 9-211 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1997.