

Section 9-204(j)

Annotated Code of Maryland

(1996 Replacement Volume and 1996 Supplement)

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

Article - Environment

9-201.

(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.

9-204.

(d) A person shall have a permit issued by the Secretary under this section before the person installs, materially alters, or materially extends a water supply system, sewerage system, or refuse disposal system.

(J) (1) THE SECRETARY MAY NOT ISSUE ANY PERMIT, INCLUDING A PERMIT UNDER SUBSECTION (D) OF THIS SECTION OR § 7-232 OF THIS ARTICLE, TO CONSTRUCT OR OPERATE A MUNICIPAL WASTE INCINERATOR FOR DISPOSAL OF A SOLID WASTE STREAM, AS DEFINED IN § 9-1701 OF THIS TITLE, WITHIN 1 MILE OF A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL.

(2) A PERSON MAY NOT CONSTRUCT OR OPERATE A MUNICIPAL WASTE INCINERATOR FOR DISPOSAL OF A SOLID WASTE STREAM, AS DEFINED IN § 9-1701 OF THIS TITLE, WITHIN 1 MILE OF A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT:

(I) THE OPERATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, EXPANSION, AND MATERIAL ALTERATION OR EXTENSION OF AN INCINERATOR THAT WAS OPERATING AS A RESOURCE RECOVERY FACILITY ON JANUARY 1, 1997; OR

(II) THE ISSUANCE OF PERMITS NECESSARY FOR THE OPERATION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, EXPANSION, AND MATERIAL ALTERATION OR EXTENSION OF AN INCINERATOR THAT WAS OPERATING ON JANUARY 1, 1997.