

Chapter 719

(House Bill 982)

AN ACT concerning

Solid Waste Management – Recycling and Source Reduction – ~~Requirements~~ Study

FOR the purpose of ~~requiring the Office of Recycling in the Department of the Environment to establish certain commodity-based solid waste reduction through recycling goals; requiring a certain annual report to include certain progress made in achieving certain solid waste reduction goals; altering certain county recycling requirements by requiring counties to include in certain county plans a certain commodity-based recycling plan by a certain date; requiring a certain recycling plan to be fully implemented by a certain date; requiring the Office of Recycling to establish a bar and restaurant recycling program to provide financial assistance for the collection and recycling of certain containers from a bar or restaurant; establishing a certain solid waste management fee; requiring a certain operator of a certain landfill or certain facility to collect the solid waste management fee and remit the fee to the Comptroller; authorizing the Department to grant a waiver from certain requirements; altering the conditions under which a certain county is required to conduct a certain public hearing and publish a certain notice; altering the conditions under which the Secretary shall review a certain county plan to make certain determinations; prohibiting the Secretary from issuing certain permits to install, materially alter, or materially extend a landfill in a county under certain circumstances; altering the requirements for a certain recycling plan that is developed by certain agencies; requiring the Comptroller to establish a certain separate account in the State Recycling Trust Fund for certain purposes; altering the definition of a certain term; requiring the Department of the Environment, in consultation with certain persons, to conduct a certain study to evaluate solid waste processes that reduce the solid waste stream through certain methods and submit certain reports to the General Assembly on or before a certain date; and generally relating to solid waste management through recycling and source reduction.~~

~~BY repealing and reenacting, without amendments,
Article — Environment
Section 9-204(n)(2) and 9-1701(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)~~

~~BY adding to
Article — Environment~~

~~Section 9-204(n)(5)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article—Environment
Section 9-204(n)(5) and (6), 9-505(a)(18), (c), and (e), 9-1701(m)(1), 9-1702,
9-1703(b), 9-1704, 9-1706, and 9-1707(f)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)~~

~~BY repealing
Article—Environment
Section 9-505(a)(19) and (d)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)~~

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

~~**Article—Environment**~~

~~9-204.~~

~~(n) (2) The Department shall prepare an annual report identifying the
amount of solid waste by weight or volume, disposed of in the State during the
previous year.~~

~~**(5) BEGINNING SEPTEMBER 1, 2014, AND TRIENNIALY
THEREAFTER, THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS
SUBSECTION SHALL INCLUDE THE PROGRESS MADE IN ACHIEVING THE SOLID
WASTE REDUCTION GOALS ESTABLISHED UNDER § 9-1702 OF THIS TITLE.**~~

~~[(5)] (6) [Beginning September 1, 2000, the] THE Department shall
annually submit, in accordance with § 2-1246 of the State Government Article, a
report of the activities undertaken and the progress made in accordance with this
section to:~~

~~(i) The House Environmental Matters Committee; and
(ii) The Senate Education, Health, and Environmental Affairs
Committee.~~

~~[(6)] (7) A facility owner is not required to provide information under
paragraph (4) of this subsection that is a trade secret.~~

~~9-505.~~

~~(a) In addition to the other requirements of this subtitle, each county plan shall:~~

~~(18) [For a county with a population greater than 150,000 according to the latest Department of Planning projections, include] INCLUDE a recycling plan by [July 1, 1990] OCTOBER 1, 2011, that:~~

~~(i) Provides for [a reduction through recycling of at least 20 percent of the county's solid waste stream by weight or submits adequate justification, including economic and other specific factors, as to why the 20 percent reduction cannot be met;] RECYCLING OF THE SOLID WASTE STREAM IN ACCORDANCE WITH THE SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9-1702 OF THIS TITLE; AND~~

~~(ii) Provides for recycling of the solid waste stream to the extent practical and economically feasible, but in no event may less than a 10 percent reduction be submitted; and~~

~~(iii) (ii) Requires full implementation of the recycling plan by January 1, [1994; and] 2020.~~

~~[(19) For a county with a population less than 150,000 according to the latest Department of Planning projections, include a recycling plan by July 1, 1990 that:~~

~~(i) Provides for a reduction through recycling of at least 15 percent of the county's solid waste stream or submit adequate justification, including economic and other specific factors, as to why the 15 percent reduction cannot be met;~~

~~(ii) Provides for recycling of the solid waste stream to the extent practical and economically feasible, but in no event may less than a 5 percent reduction be submitted; and~~

~~(iii) Requires full implementation of the recycling plan by January 1, 1994.]~~

~~(c) [The recycling reductions of 20 percent and 15 percent provided in subsection (a)(18) and (19) of this section are not intended to be the maximum percentage that a county can achieve.] A county that can practically and economically achieve a higher rate of recycling THAN REQUIRED UNDER SUBSECTION (A)(18) OF THIS SECTION AND § 9-1702 OF THIS TITLE is encouraged to submit a recycling plan for a higher percentage.~~

~~[(d) If a county with a population less than 150,000 increases to a population of above 150,000, the county shall have 2 years to revise the recycling plan to be consistent with the recycling goals under subsection (a)(18) of this section.]~~

~~[(c)](D) (1) The governing bodies of 2 or more counties may adopt a regional recycling plan to comply with subsection (a)(18) [or (19)] of this section.~~

~~(2) A regional recycling plan which otherwise satisfies the requirements of this subtitle for each of the participating counties shall constitute the county recycling plan for each county which participates in the plan.~~

~~9-1701.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(m) (1) "Recycling" means any process in which materials that would otherwise become solid waste are collected, separated, or processed and returned to the marketplace in the form of raw materials [or products] FOR THE USE IN NEW OR SIMILAR CONSUMER GOODS.~~

~~9-1702.~~

~~(a) There is an Office of Recycling created within the Department.~~

~~(b) The Secretary shall appoint a Director and sufficient staff to perform the functions of the Office. After July 1, 1989, the number of staff shall be as provided in the budget.~~

~~(c) The Secretary may adopt regulations to carry out the provisions of this subtitle.~~

~~(d) The Office shall:~~

~~(1) Assist the counties in developing an acceptable recycling plan required under § 9-1703 of this subtitle and § 9-505 of this title, including technical assistance to the local governments;~~

~~(2) Coordinate the efforts of the State to facilitate the implementation of the recycling goals at the county level;~~

~~(3) Review all recycling plans submitted as part of a county plan as required under § 9-505 of this title and advise the Secretary on the adequacy of the recycling plan; [and]~~

~~(4) Administer the Statewide Electronics Recycling Program under Part IV of this subtitle;~~

~~(5) ESTABLISH A COMMODITY BASED SOLID WASTE REDUCTION THROUGH RECYCLING GOAL, BY WEIGHT, FOR THE STATE THAT REQUIRES:~~

~~(I) A 70% REDUCTION FOR ALUMINUM;~~

~~(II) A 50% REDUCTION FOR GLASS;~~

~~(III) A 60% REDUCTION FOR PAPER; AND~~

~~(IV) A 50% REDUCTION FOR POLYETHYLENE TEREPHTHALATE; AND~~

~~(6) ESTABLISH AND ADMINISTER A BAR AND RESTAURANT RECYCLING PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR THE COLLECTION AND RECYCLING OF BEVERAGE CONTAINERS FROM A BAR OR RESTAURANT.~~

~~(e) Beginning on January 1, 1990, and biannually thereafter, the Office shall, in coordination with the Maryland Environmental Service, study and report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on:~~

~~(1) The availability of local, national, and international markets for recycling materials;~~

~~(2) The identification and location of recycling centers, including an analysis of existing recycling centers and the need to expand these facilities or construct new recycling centers;~~

~~(3) Programs necessary to educate the public on the need to participate in recycling efforts;~~

~~(4) The economics and financing of existing and proposed systems of waste disposal and recycling;~~

~~(5) State procurement policies for the purchase of recycled materials;~~

~~(6) Programs necessary to reduce the amount of solid waste generated for disposal by a State agency or unit;~~

~~(7) The liaison role with local governments, the federal government, and the private sector;~~

~~(8) The percentage reduction in the amount of solid waste that has been achieved by each county; and~~

~~(9) Economically feasible methods for the recycling of scrap automobile tires, batteries, and white goods.~~

~~(f) (1) By December 1, 1988, the Office shall, in coordination with the Maryland Environmental Service and the Governor's Task Force on Solid Waste, make recommendations to the General Assembly for the financing of a comprehensive system of recycling at the State and local level, including funding for recycling centers, recycling equipment, recycling education, and marketing strategies.~~

~~(2) After the financing recommendations are made under paragraph (1) of this subsection, each county may submit to the Office and the Governor a detailed request for funds necessary to assist in the development and implementation of a recycling plan under guidelines developed by the Office.~~

~~(g) In studying feasible methods for the management and recycling of used tires under subsection (e)(9) of this section, the Office of Recycling shall consult with the appropriate industry, including representatives of:~~

~~(1) Tire manufacturers;~~

~~(2) Tire dealers; and~~

~~(3) Tire recyclers.~~

~~(H) (1) BEGINNING JANUARY 1, 2011, THERE IS A SOLID WASTE MANAGEMENT FEE.~~

~~(2) AN OPERATOR OF A LANDFILL, RUBBLE LANDFILL, OR FACILITY THAT PROVIDES RECYCLING SERVICES THAT HAS BEEN ISSUED A PERMIT UNDER § 9-204 OF THIS TITLE SHALL COLLECT A SOLID WASTE MANAGEMENT FEE.~~

~~(3) THE SOLID WASTE MANAGEMENT FEE COLLECTED UNDER THIS SECTION SHALL BE:~~

~~(i) \$1.50 FOR EACH TON OF SOLID WASTE ACCEPTED FOR DISPOSAL BY A PERMITTED LANDFILL OR RUBBLE LANDFILL; OR~~

~~(ii) \$0.75 FOR EACH TON OF SOLID WASTE ACCEPTED FOR DISPOSAL BY A PERMITTED FACILITY THAT PROVIDES RECYCLING SERVICES.~~

~~(4) AN OPERATOR THAT COLLECTS THE SOLID WASTE MANAGEMENT FEE UNDER THIS SECTION SHALL REMIT THE FEE TO THE COMPTROLLER FOR TRANSFER INTO A SEPARATE ACCOUNT IN THE STATE RECYCLING TRUST FUND.~~

~~(5) THE DEPARTMENT MAY PROVIDE A WAIVER FROM THE REQUIREMENTS OF THIS SUBSECTION.~~

~~9-1703.~~

~~(b) In preparing the recycling plan as required in § 9-505 of this title, the county shall address:~~

~~(1) Methods to meet the solid waste [stream] reduction GOALS ESTABLISHED UNDER § 9-1702 OF THIS SUBTITLE;~~

~~(2) The feasibility of source separation of the solid waste stream generated within the county;~~

~~(3) The recyclable materials to be separated;~~

~~(4) The strategy for the collection, processing, marketing, and disposition of recyclable materials, including the cost effective use of recycling centers;~~

~~(5) Methods of financing the recycling efforts proposed by the county;~~

~~(6) Methods for the separate collection and composting of yard waste;~~

~~(7) The feasibility of a system for the composting of mixed solid wastes;~~

~~(8) The feasibility of a system for the collection and recycling of white goods;~~

~~(9) The separate collection of other recyclable materials;~~

~~(10) The strategy for the collection, processing, marketing, and disposition of recyclable materials from county public schools; and~~

~~(11) Any other alternative methods of recycling that will attain or exceed the solid waste stream reduction goals determined by the county.~~

~~9-1704.~~

~~(a) (1) If a county [with a population greater than 150,000] determines it cannot achieve a reduction [of 20 percent] of its solid waste stream [under § 9-505 of~~

~~this title] IN ACCORDANCE WITH THE SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9 1702 OF THIS SUBTITLE, the county shall:~~

~~(i) Conduct a public hearing on the proposed reduction that may be conducted jointly with other public hearings or meetings; and~~

~~(ii) Publish notice of the time and place of the public hearing, together with a summary of the justification for the proposed reduction, in a newspaper of general circulation in the county once a week for 2 consecutive weeks before the hearing in the county.~~

~~(2) The Secretary shall review a county plan that does not meet the [20 percent recycling goal] SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9 1702 OF THIS SUBTITLE to determine whether the county's maximum goal, as stated in the plan, can be demonstrated to have a reasonable basis.~~

~~(3) The Secretary shall require revision of a county plan if, pursuant to a review under paragraph (2) of this subsection, the county's determination of its maximum goal is found to be unsupported by competent, material, and substantial evidence in light of the entire plan as submitted.~~

~~(b) (1) [If a county with a population less than 150,000 determines it cannot achieve a reduction of 15 percent of its solid waste stream under § 9 505 of this title, the county shall:~~

~~(i) Conduct a public hearing on the proposed reduction that may be conducted jointly with other public hearings or meetings; and~~

~~(ii) Publish notice of the time and place of the public hearing, together with a summary of the justification for the proposed reduction in a newspaper of general circulation in the county once a week for 2 consecutive weeks before the hearing in the county.~~

~~(2) The Secretary shall review a county plan that does not meet the 15 percent recycling goal to determine whether the county's maximum goal, as stated in the plan, can be demonstrated to have a reasonable basis.~~

~~(3) The Secretary shall require revision of a county plan if, pursuant to a review under paragraph (2) of this subsection, the county's determination of its maximum goal is found to be unsupported by competent, material, and substantial evidence in light of the entire plan as submitted] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY MAY NOT ISSUE A PERMIT UNDER § 9 204 OF THIS TITLE TO A COUNTY TO INSTALL, MATERIALLY ALTER, OR MATERIALLY EXTEND A LANDFILL IN THE COUNTY, IF:~~

~~(I) A COUNTY DOES NOT MEET THE SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9-1702 OF THIS SUBTITLE;~~

~~(II) THE SECRETARY DETERMINES, IN ACCORDANCE WITH SUBSECTION (A)(2) OF THIS SECTION, THE COUNTY'S MAXIMUM GOAL, AS STATED IN THE PLAN, DOES NOT HAVE A REASONABLE BASIS; AND~~

~~(III) A COUNTY DOES NOT REVISE A COUNTY PLAN IN ACCORDANCE WITH SUBSECTION (A)(3) OF THIS SECTION.~~

~~(2) THE DEPARTMENT MAY GRANT A WAIVER FROM THE REQUIREMENTS OF THIS SUBSECTION.~~

~~9-1706.~~

~~(a) The Office of Recycling, in cooperation with the Department of General Services and other State agencies, shall develop a recycling plan that reduces by recycling the amount of the solid waste stream generated for disposal by the State government [by at least 20 percent or to an amount that is determined practical and economically feasible, but in no case may the amount to be recycled be less than 10 percent] IN ACCORDANCE WITH THE SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9-1702 OF THIS SUBTITLE.~~

~~(b) By July 1, 2010, the recycling plan under subsection (a) of this section shall include a system for recycling aluminum, glass, paper, and plastic generated for disposal by the State government, including the placement of collection bins in State-owned or State-operated office buildings in locations in the State where it is determined to be practical and economically feasible.~~

~~(c) By January 1, [2012] 2020, each State agency and unit of State government shall FULLY implement the recycling plan required under this section.~~

~~9-1707.~~

~~(f) (1) There is a State Recycling Trust Fund.~~

~~(2) The Fund shall consist of:~~

~~(i) The newsprint recycling incentive fee;~~

~~(ii) The telephone directory recycling incentive fee collected under § 9-1709 of this subtitle;~~

~~(iii) The covered electronic device manufacturer registration fee collected under § 9-1728 of this subtitle;~~

~~(iv) THE SOLID WASTE MANAGEMENT FEE COLLECTED UNDER § 9-1702 OF THIS SUBTITLE;~~

~~(v) The mercury switch or mercury switch assembly removal fees collected under § 6-905.4(c)(6)(iii)3 of this article;~~

~~[(v)] (VI) All fines and penalties collected under this subtitle and under §§ 6-905.4 and 6-905.6 of this article;~~

~~[(vi)] (VII) Money appropriated in the State budget to the Fund;~~
and

~~[(vii)] (VIII) Any other money from any other source accepted for the benefit of the Fund.~~

~~(3) The Secretary shall administer the Fund.~~

~~(4) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.~~

~~(5) (I) WITH REGARD TO THE SOLID WASTE MANAGEMENT FEE COLLECTED UNDER § 9-1702 OF THIS SUBTITLE, THE COMPTROLLER SHALL:~~

~~1. ESTABLISH A SEPARATE ACCOUNT WITHIN THE STATE RECYCLING TRUST FUND; AND~~

~~2. DISBURSE THE FUNDS AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.~~

~~(II) THE COMPTROLLER SHALL:~~

~~1. DEPOSIT 50% OF THE FUNDS INTO THE SEPARATE ACCOUNT TO BE USED FOR ESTABLISHING AND ADMINISTERING A BAR AND RESTAURANT RECYCLING PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR THE COLLECTION AND RECYCLING OF BEVERAGE CONTAINERS FROM A BAR OR RESTAURANT;~~

~~2. DEPOSIT 40% OF THE FUNDS INTO THE SEPARATE ACCOUNT TO BE USED TO PROVIDE FINANCIAL ASSISTANCE TO A LOCAL GOVERNMENT TO ESTABLISH PROGRAMS FOR WASTE REDUCTION THROUGH RECYCLING AND REUSE; AND~~

~~3. TRANSFER 10% OF THE FUNDS TO THE DEPARTMENT TO ESTABLISH AND ADMINISTER A BAR AND RESTAURANT RECYCLING PROGRAM.~~

~~(6) At the end of each fiscal year, any unspent or unencumbered balance in the Fund that exceeds \$2,000,000 shall revert to the General Fund of the State in accordance with § 7-302 of the State Finance and Procurement Article.~~

~~[(6)] (7) In accordance with the State budget, the Fund shall be used only:~~

~~(i) To provide grants to the counties to be used by the counties to develop and implement local recycling plans;~~

~~(ii) To provide grants to counties that have addressed methods for the separate collection and recycling of covered electronic devices in accordance with § 9-1703(e)(1) of this subtitle;~~

~~(iii) To provide grants to municipalities to be used by the municipalities to implement local covered electronic device recycling programs; and~~

~~(iv) To carry out the purposes of the Office of Recycling under this subtitle and under Title 6, Subtitle 9 of this article.~~

~~[(7)] (8) (i) The Treasurer shall invest the money in the Fund in the same manner as other State money may be invested.~~

~~(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) In consultation with local government officials, waste haulers, and other affected parties, including material resource facilities, the Department of the Environment shall conduct a study to evaluate solid waste management processes that reduce the solid waste stream through recycling and source reduction, including:

- (1) the expansion of recycling efforts in nonresidential markets;
- (2) the feasibility of commodity-specific targets; and
- (3) long-term funding for solid waste and recycling management in the State.

(b) (1) On or before December 15, 2010, the Department of the Environment shall submit an interim report, to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the results of the study required under subsection (a) of this section.

(2) On or before December 15, 2011, the Department of the Environment shall submit a final report, to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the results of the study required under subsection (a) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.