

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 817

(Delegate Mizeur)

Environmental Matters

Education, Health, and Environmental Affairs

Environment - Composting

This bill requires the Maryland Department of the Environment (MDE) to maintain information on its website to educate the public about composting and to promote composting in Maryland as a part of MDE's efforts to encourage waste diversion. The bill also requires MDE, in consultation with the Maryland Department of Agriculture (MDA) and the Maryland Environmental Service (MES), to study composting in Maryland, including laws or regulations governing composting, and to make recommendations about how to promote composting in Maryland. MDE must report its findings, recommendations, and a summary of the laws and regulations governing composting, to the General Assembly, by January 1, 2013.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: MDE workloads increase minimally to make changes to its website and to conduct the required study and report, but these tasks can be handled with existing budgeted resources.

Local Effect: The bill is not anticipated to directly affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: "Composting" is defined as the controlled biological decomposition of organic waste material in accordance with the standards established by MDE. Various

MDE regulations provide standards for the composting of certain types of materials, the operation of certain composting facilities, and the properties of saleable compost.

“Compost” is defined as the product of composting in accordance with product standards for commercial use and distribution established by the Secretary of Agriculture in consultation with MDE. These standards include certification requirements for operators of composting facilities, and a classification scheme for compost.

Any State or local unit responsible for the maintenance of public lands, to the maximum extent practicable, must give consideration and preference to the use of compost in any land maintenance activity paid for with public funds.

An owner or operator of a refuse disposal system in Maryland is prohibited from accepting truckloads of separately collected yard waste for final disposal unless the owner or operator provides for the composting or mulching of the yard waste. All yard waste collected separately from other solid waste may be transported to a composting facility. The composting facility may be located at a refuse disposal system. These provisions do not prohibit a consumer or farmer from composting for their own personal, household, family, or on agricultural purpose.

Within Montgomery and Prince George’s counties, unless the Washington Suburban Sanitary Commission (WSSC) takes precautions to make a composting facility free of offensive off-site odors, WSSC may not construct the facility in an area that has more than 100 homes that are located within five miles of the facility. If the commission does not control and eliminate any offensive off-site odor that is caused by a composting facility constructed after July 1, 1986, WSSC must close the facility within four months.

Background: Composting diverts waste from landfills, reduces the emissions of methane, a greenhouse gas, and provides an inexpensive source of natural fertilizer, among other economic and environmental benefits. According to the U.S. Environmental Protection Agency, yard trimmings and food residuals together constitute 26% of the U.S. municipal solid waste stream.

State Fiscal Effect: The bill requires MDE to conduct the required study and report, but in consultation with MES and MDA. MDE advises that it is currently engaged in the regulation of composting, and as such, it possesses sufficient knowledge and resources to conduct the study and produce the report within the timeline established by the bill. However, MES advises that if it is tasked with conducting a detailed technical study under direction from MDE, it may need to utilize the services of five existing personnel with expertise on composting at a cost of roughly \$70,000. Legislative Services assumes for this analysis that the bill’s study and report will be conducted by MDE and that MES

and MDA will provide only limited consultation, resulting in minimal additional costs and workloads for each agency. Finally, MDE advises that it can make the necessary changes to its website with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture, Maryland Department of the Environment, Maryland Environmental Service, U.S. Environmental Protection Agency, Department of Legislative Services

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Analysis by: Evan M. Isaacson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510