

Chapter 338

(Senate Bill 781)

AN ACT concerning

Environment – Recycling – ~~Public and Commercial Buildings,~~ Special Events, and ~~Single Family Residences~~

FOR the purpose of requiring a county to address the collection and recycling of recyclable materials from ~~public and commercial buildings~~ and special events in the county's recycling plan; ~~requiring a county to address a strategy for providing single stream, curbside recycling collection services to certain residences by a certain date in its recycling plan;~~ requiring a county to revise its recycling plan by a certain date to address certain requirements of this Act; ~~requiring the State government recycling plan to provide for the placement of a recycling receptacle immediately adjacent to each trash receptacle in State owned or State operated buildings;~~ altering the date by which State agencies and units of State government are required to implement a certain recycling plan; ~~requiring a certain public or commercial building to subscribe to a basic level of recycling service and to provide a recycling receptacle meeting certain requirements immediately adjacent to each trash receptacle located on the property of the public or commercial building;~~ providing that a county may require a property owner or manager of a certain commercial building to report to the county on recycling activities in a certain manner; ~~requiring that recycling required for a public or commercial building be carried out in accordance with a certain county recycling plan;~~ requiring the organizer of a certain special event to provide a recycling receptacle meeting certain requirements immediately adjacent to each trash receptacle at the special event; requiring the organizer of a certain special event to ensure that certain recyclable materials are collected for recycling; providing that a county may require the organizer of a certain special event to report to the county on recycling activities in a certain manner; requiring that recycling required for a special event be carried out in accordance with a certain county recycling plan; establishing a certain penalty; providing for the enforcement of certain provisions of this Act; providing for the disposition of certain civil penalties collected under this Act; defining certain terms; and generally relating to recycling.

BY repealing and reenacting, ~~with~~ without amendments,

Article – Environment

Section ~~9-1701~~ 9-1701(a) and (m) through (o)

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

(As enacted by Chapter 686 of the Acts of the General Assembly of 2013)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1703 ~~and 9–1706~~

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

BY adding to

Article – Environment

Section 9–1712 ~~and 9–1713~~

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

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

Article – Environment

9–1701.

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

~~(b) “Compost” means the product of composting in accordance with the standards established by the Secretary of Agriculture under § 6–221 of the Agriculture Article.~~

~~(c) “Composting” means the controlled aerobic biological decomposition of organic waste material in accordance with the standards established by the Secretary under this title.~~

~~(d) (1) “Composting facility” means a facility where composting takes place.~~

~~(2) “Composting facility” does not include a facility that is required to obtain:~~

~~(i) A natural wood waste recycling facility permit in accordance with this title;~~

~~(ii) A sewage sludge utilization permit in accordance with this title; or~~

~~(iii) A refuse disposal permit in accordance with this title.~~

~~(e) (1) “Computer” means a desktop personal computer or laptop computer, including the computer monitor.~~

~~(2) "Computer" does not include:~~

~~(i) A personal digital assistant device;~~

~~(ii) A computer peripheral device, including:~~

~~1. A mouse or other similar pointing device;~~

~~2. A printer; or~~

~~3. A detachable keyboard.~~

~~(f) (1) "Covered electronic device" means a computer or video display device with a screen that is greater than 4 inches measured diagonally.~~

~~(2) "Covered electronic device" does not include a video display device that is part of a motor vehicle or that is contained within a household appliance or commercial, industrial, or medical equipment.~~

~~(g) "Covered electronic device takeback program" means a program, established by a covered electronic device manufacturer or a group of covered electronic device manufacturers, for the collection and recycling, refurbishing, or reuse of a covered electronic device labeled with the name of the manufacturer or the manufacturer's brand label, including:~~

~~(1) Providing, at no cost to the returner, a method of returning a covered electronic device to the manufacturer, including postage paid mailing packages or designated collection points throughout the State;~~

~~(2) Contracting with a recycler, local government, other manufacturer, or any other person; or~~

~~(3) Any other program approved by the Department.~~

~~(h) "Director" means the Director of the Office of Recycling.~~

~~(i) "Manufacturer" means a person that is the brand owner of a covered electronic device sold or offered for sale in the State, by any means, including transactions conducted through sales outlets, catalogs, or the Internet.~~

~~(j) (1) "Natural wood waste" means tree and other natural vegetative refuse.~~

~~(2) "Natural wood waste" includes tree stumps, brush and limbs, root mats, logs, and other natural vegetative material.~~

~~(k) (1) “Natural wood waste recycling facility” means a facility where recycling services for natural wood waste are provided.~~

~~(2) “Natural wood waste recycling facility” does not include a collection or processing facility operated by:~~

~~(i) A nonprofit or governmental organization located in the State; or~~

~~(ii) A single individual or business that provides recycling services for its own employees or for its own recyclable materials generated on its own premises.~~

~~(l) “Office” means the Office of Recycling within the Department.~~

(m) “Recyclable materials” means those materials that:

(1) Would otherwise become solid waste for disposal in a refuse disposal system; and

(2) May be collected, separated, composted, or processed and returned to the marketplace in the form of raw materials or products.

(n) (1) “Recycling” means any process in which recyclable materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(2) “Recycling” includes composting.

(o) “Recycling services” means the services provided by persons engaged in the business of recycling, including the collection, processing, storage, purchase, sale, or disposition of recyclable materials.

~~(p) “Resource recovery facility” means a facility in existence as of January 1, 1988 that:~~

~~(1) Processes solid waste to produce valuable resources, including steam, electricity, metals, or refuse derived fuel; and~~

~~(2) Achieves a volume reduction of at least 50 percent of its solid waste stream.~~

~~(q) “SINGLE STREAM” MEANS A SYSTEM IN WHICH ALL RECYCLABLE MATERIALS ARE COMMINGLED FOR COLLECTION INTO A SINGLE CONTAINER~~

~~INSTEAD OF BEING SORTED INTO SEPARATE COMMODITIES AND MULTIPLE CONTAINERS.~~

~~[(e)] (R)~~ (1) ~~“Solid waste stream” means garbage or refuse that would, unless recycled, be disposed of in a refuse disposal system.~~

~~(2) “Solid waste stream” includes organic material capable of being composted that is not composted in accordance with regulations adopted under § 9-1725(b) of this subtitle.~~

~~(3) “Solid waste stream” does not include:~~

~~(i) Hospital waste;~~

~~(ii) Rubble;~~

~~(iii) Scrap material;~~

~~(iv) Land clearing debris;~~

~~(v) Sewage sludge; or~~

~~(vi) Waste generated by a single individual or business and disposed of in a facility dedicated solely for that entity's waste.~~

~~[(v)] (S)~~ (1) ~~“Video display device” means an electronic device with an output surface that displays or is capable of displaying moving graphical images or visual representations of image sequences or pictures that show a number of quickly changing images on a screen to create the illusion of motion.~~

~~(2) “Video display device” includes a device that is an integral part of the display and cannot easily be removed from the display by the consumer and that produces the moving image on the screen.~~

~~(3) A video display device may use a cathode ray tube (CRT), liquid crystal display (LCD), gas plasma, digital light processing, or other image projection technology.~~

~~[(s)] (T)~~ ~~“White goods” includes:~~

~~(1) Refrigerators;~~

~~(2) Stoves;~~

~~(3) Washing machines;~~

- ~~(4) Dryers;~~
- ~~(5) Water heaters; and~~
- ~~(6) Air conditioners.~~

~~[(t)] (U) (1) “Yard waste” means organic plant waste derived from gardening, landscaping, and tree trimming activities.~~

~~(2) “Yard waste” includes leaves, garden waste, lawn cuttings, weeds, and prunings.~~

9-1703.

(a) Each county shall submit a recycling plan to the Secretary for approval when the county submits its county plan to the Secretary in accordance with the provisions of § 9-505 of this title.

(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;
- (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;

(11) The strategy for the collection and recycling of fluorescent and compact fluorescent lights that contain mercury;

(12) The collection and recycling of recyclable materials from residents of apartment buildings and condominiums that contain 10 or more dwelling units by property owners or managers of apartment buildings and councils of unit owners of condominiums;

(13) If applicable, a method for implementing a reporting requirement for recyclable materials generated at apartment buildings and condominiums that contain 10 or more dwelling units; [and]

(14) THE COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS FROM ~~PUBLIC AND COMMERCIAL BUILDINGS AND~~ SPECIAL EVENTS; AND

~~**(15) WHERE NOT ALREADY PROVIDED, A STRATEGY FOR PROVIDING SINGLE STREAM, CURBSIDE RECYCLING COLLECTION SERVICES TO ALL SINGLE FAMILY RESIDENCES BY OCTOBER 1, 2016; AND**~~

[(14)] ~~(16)~~ **(15)** Any other alternative methods of recycling that will attain or exceed the solid waste stream reduction goals determined by the county.

(c) (1) In preparing the recycling plan as required under § 9–505 of this title, the county may address methods for the separate collection and recycling of covered electronic devices, including efforts by the county to establish partnerships with covered electronic device manufacturers, recyclers, retailers, or other local governments for the collection and recycling of covered electronic devices.

(2) If a county elects to address methods for the separate collection and recycling of covered electronic devices in its recycling plan, any reduction in the county's solid waste stream attributable to the implementation of the methods shall count towards the county's required reduction through recycling of the solid waste stream under § 9–505 of this title.

(d) A county that achieves a reduction of at least 5 percent in the volume of its waste through the utilization of 1 or more resource recovery facilities in operation as of January 1, 1988, shall be considered to have achieved a reduction by recycling of 5 percent of its solid waste stream.

(e) In preparing a recycling plan, a county may not calculate a tax or mandatory deposit on any beverage container that is enacted by a county or municipality to achieve the recycling goals required under § 9–505 of this title.

(f) For the purpose of determining weight, the Department may not preclude the use of portable weigh scales.

(g) A county shall revise its recycling plan by:

(1) October 1, 2010, to address the requirements of subsection (b)(10) of this section; [and]

(2) October 1, 2011, to address the requirements of subsection (b)(11) of this section; AND

(3) OCTOBER 1, 2015, TO ADDRESS THE REQUIREMENTS OF SUBSECTION (B)(14) OF THIS SECTION AND, IF APPLICABLE, SUBSECTION (B)(15) OF THIS SECTION.

~~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 30% or to an amount that is determined practical and economically feasible, but in no case may the amount to be recycled be less than 15%.~~

~~(b) A 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] **A RECYCLING RECEPTACLE IMMEDIATELY ADJACENT TO EACH TRASH RECEPTACLE IN STATE OWNED OR STATE OPERATED BUILDINGS.**~~

~~(c) By July 1, [2014] 2015, each State agency and unit of State government shall implement the recycling plan required under this section.~~

~~9-1712.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "COMMERCIAL BUILDING" MEANS THE INTERIOR AND EXTERIOR SPACE OF A BUILDING THAT:~~

~~(i) IS USED PRIMARILY TO CONDUCT A FOR-PROFIT OR NOT-FOR-PROFIT BUSINESS;~~

~~(ii) IS NOT RESIDENTIAL; AND~~

~~(III) IS NOT USED PRIMARILY TO MANUFACTURE OR PRODUCE RAW MATERIALS, PRODUCTS, OR AGRICULTURAL COMMODITIES.~~

~~(3) "PUBLIC BUILDING" MEANS THE INTERIOR AND EXTERIOR SPACE OF A BUILDING OWNED BY A COUNTY OR MUNICIPAL CORPORATION OR BY A UNIT OF A COUNTY OR MUNICIPAL CORPORATION.~~

~~(B) (1) THIS SECTION APPLIES ONLY TO A PUBLIC OR COMMERCIAL BUILDING THAT GENERATES RECYCLABLE MATERIALS AS A RESULT OF ACTIVITIES CONDUCTED WITHIN THE PUBLIC OR COMMERCIAL BUILDING.~~

~~(2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT TO ENACT AND ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL PENALTIES, FOR A PUBLIC OR COMMERCIAL BUILDING THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION.~~

~~(C) (1) ON OR BEFORE OCTOBER 1, 2016, EACH PROPERTY OWNER OR MANAGER OF A PUBLIC OR COMMERCIAL BUILDING SHALL:~~

~~(I) SUBSCRIBE TO A BASIC LEVEL OF RECYCLING SERVICE THAT INCLUDES, AT A MINIMUM, THE COLLECTION OF RECYCLABLE MATERIALS;~~

~~(II) PROVIDE A RECYCLING RECEPTACLE IMMEDIATELY ADJACENT TO EACH TRASH RECEPTACLE LOCATED ON THE PROPERTY OF THE PUBLIC OR COMMERCIAL BUILDING; AND~~

~~(III) ENSURE THAT ALL RECYCLING RECEPTACLES ARE CLEARLY DISTINGUISHED FROM TRASH RECEPTACLES BY COLOR OR SIGNAGE.~~

~~(2) A COUNTY MAY REQUIRE A PROPERTY OWNER OR MANAGER OF A COMMERCIAL BUILDING THAT PROVIDES FOR RECYCLING TO REPORT TO THE COUNTY ON RECYCLING ACTIVITIES IN A MANNER DETERMINED BY THE COUNTY.~~

~~(D) THE RECYCLING REQUIRED UNDER SUBSECTION (C) OF THIS SECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN REQUIRED UNDER § 9-1703 OF THIS SUBTITLE FOR THE COUNTY IN WHICH THE PUBLIC OR COMMERCIAL BUILDING IS LOCATED.~~

~~(E) A PERSON THAT VIOLATES SUBSECTION (C) OR (D) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$50 FOR EACH DAY ON WHICH THE VIOLATION EXISTS.~~

~~(F) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT MAY CONDUCT INSPECTIONS OF A COMMERCIAL BUILDING TO ENFORCE SUBSECTION (C) OF THIS SECTION.~~

~~(G) ANY PENALTIES COLLECTED UNDER SUBSECTION (E) OF THIS SECTION SHALL BE PAID TO THE COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT THAT BROUGHT THE ENFORCEMENT ACTION.~~

~~9-1713.~~ 9-1712.

(A) (1) THIS SECTION APPLIES TO ANY SPECIAL EVENT THAT:

(I) INCLUDES TEMPORARY OR PERIODIC USE OF A PUBLIC STREET, PUBLICLY OWNED SITE OR FACILITY, OR PUBLIC PARK;

(II) SERVES FOOD OR DRINK; AND

(III) IS EXPECTED TO HAVE 200 OR MORE PERSONS IN ATTENDANCE.

(2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT TO ENACT AND ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL PENALTIES, FOR A SPECIAL EVENT THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION.

(B) (1) IN ADDITION TO ANY OTHER CONDITIONS REQUIRED AS PART OF A SPECIAL EVENTS OR OTHER PERMIT, THE ORGANIZER OF A SPECIAL EVENT SHALL:

(I) PROVIDE A RECYCLING RECEPTACLE IMMEDIATELY ADJACENT TO EACH TRASH RECEPTACLE AT THE SPECIAL EVENT;

(II) ENSURE THAT ALL RECYCLING RECEPTACLES ARE CLEARLY DISTINGUISHED FROM TRASH RECEPTACLES BY COLOR OR SIGNAGE; AND

(III) ENSURE THAT ALL RECYCLABLE MATERIALS DEPOSITED INTO RECYCLING RECEPTACLES AT THE SPECIAL EVENT ARE COLLECTED FOR RECYCLING.

(2) A COUNTY MAY REQUIRE THE ORGANIZER OF A SPECIAL EVENT THAT PROVIDES FOR RECYCLING TO REPORT TO THE COUNTY ON RECYCLING ACTIVITIES IN A MANNER DETERMINED BY THE COUNTY.

(C) THE RECYCLING REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN REQUIRED UNDER § 9-1703 OF THIS SUBTITLE FOR THE COUNTY IN WHICH THE SPECIAL EVENT TAKES PLACE.

(D) A PERSON THAT VIOLATES SUBSECTION (B) OR (C) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$50 FOR EACH DAY ON WHICH THE VIOLATION EXISTS.

(E) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT MAY CONDUCT INSPECTIONS OF A SPECIAL EVENT LOCATION TO ENFORCE SUBSECTION (B) OF THIS SECTION.

(F) ANY PENALTIES COLLECTED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE PAID TO THE COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT THAT BROUGHT THE ENFORCEMENT ACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 5, 2014.