SENATE BILL 56

M3 4lr0849
(PRE–FILED) CF 4lr1103

By: **Senator Middleton**
Requested: November 6, 2013
Introduced and read first time: January 8, 2014
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Environment – Solid Waste Management Practices – Maryland Recycling and Landfill Diversion Task Force

FOR the purpose of requiring each county and the Department of the Environment to adopt a certain solid waste management hierarchy; declaring the intent of the General Assembly that the State undertake certain actions relating to recycling and landfill disposal rates; establishing the Maryland Recycling and Landfill Diversion Task Force; providing for the composition, cochairs, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to determine the aspirational statewide recycling goal and a recycling and landfill diversion portfolio standard that will reduce the amount of solid waste being sent to landfills; specifying certain duties of the Task Force; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before certain dates; providing for the termination of the Task Force; specifying certain findings of the General Assembly; making conforming changes; and generally relating to the establishment of a recycling and landfill diversion portfolio standard and the establishment of the Maryland Recycling and Landfill Diversion Task Force.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–504
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:

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

Article – Environment

9–504.

(a) To the extent that the incorporation will promote the public health, safety, and welfare, each county plan shall incorporate all or part of the subsidiary plans of each town, municipal corporation, sanitary district, privately owned facility, or local, State, or federal agency that has existing or planned development in that county.

(B) (1) THE GENERAL ASSEMBLY FINDS THAT:

(I) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS RANKED THE MOST ENVIRONMENTALLY SOUND STRATEGIES FOR SOLID WASTE; AND

(II) THE FOLLOWING SOLID WASTE MANAGEMENT PRACTICES ARE LISTED IN ORDER OF PREFERENCE:

1. SOURCE REDUCTION, INCLUDING REUSE;

2. RECYCLING, INCLUDING COMPOSTING AND ANAEROBIC DIGESTION;

3. ENERGY RECOVERY; AND

4. TREATMENT AND DISPOSAL.

(2) EACH COUNTY AND THE DEPARTMENT SHALL ADOPT THE SOLID WASTE MANAGEMENT HIERARCHY OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

[(b)**] (C)** If the governing body of each county that is affected adopts a subsidiary plan for a multicounty area, the county may incorporate in its county plan all or part of the subsidiary plan.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State:

(a) set an aspirational statewide recycling goal;

(b) mandate minimum recycling rates and maximum landfill disposal rates;

(c) in the development of recycling and landfill disposal rate requirements, consider a rate structure that:

(1) accounts for differences in the population of the counties; and

(2) includes municipal corporations;

(d) assist counties and municipal corporations in meeting recycling and landfill disposal rate requirements by:

(1) stimulating business opportunities and the development of the waste management industry;

(2) identifying appropriate methods of funding for counties and municipal corporations; and

(3) identifying appropriate incentives; and

(e) consider imposing penalties, including a compliance fee, on counties for noncompliance with the recycling and landfill disposal rate requirements, taking into consideration appropriate exemptions from the penalties and appropriate uses of the funding.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Maryland Recycling and Landfill Diversion Task Force.

(b) The Task Force consists of the following 18 members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Director of the Maryland Energy Administration, or the Director's designee;

(4) the Secretary of the Environment, or the Secretary's designee;

(5) the Executive Director of the Northeast Maryland Waste Disposal Authority, or the Executive Director's designee;

(6) the Executive Director of the Maryland Association of Counties, or the Executive Director's designee;

(7) one representative of a county with a population of 150,000 or more, as designated by the Maryland Association of Counties;

(8) one representative of a county with a population under 150,000, as designated by the Maryland Association of Counties;

(9) the Executive Director of the Maryland Municipal League, or the Executive Director's designee;

(10) the Director of the Maryland Environmental Service, or the Director's designee;

(11) the Secretary of Business and Economic Development, or the Secretary's designee; and

(12) one member from each of the following organizations, as designated by the managing director of each organization:

(i) American Forest and Paper Association;

(ii) Sustainable Materials Recovery Coalition;

(iii) America Biogas Council;

(iv) The Peninsula Compost Group;

(v) Maryland–Delaware Solid Waste Association;

(vi) Trash Free Maryland; and

(vii) Chesapeake Climate Action Network.

(c) The President of the Senate and the Speaker of the House shall jointly appoint the members under subsection (b)(12) of this section.

(d) To the extent practicable, the members under subsection (b)(12) of this section shall be from an organization or a member company of the organization that operates or has an interest in operating in Maryland.

(e) The Task Force shall be cochaired by the members from the Senate of Maryland and the House of Delegates.

(f) The Department of the Environment shall provide staff for the Task Force.

(g) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) The Task Force shall:

(1) determine whether the aspirational statewide recycling goal of 80% should be set in statute based on the recycling achievements of other states and countries;

(2) determine a recycling and landfill diversion portfolio standard that will reduce the amount of solid waste being sent to landfills;

(3) determine, based on the viability of a recycling and waste management industry in each county, whether recycling rate and landfill disposal rate requirements should be uniform for:

(i) all counties with a population of 150,000 and over; and

(ii) all counties with a population under 150,000;

(4) consider as a possible recycling and landfill diversion portfolio standard:

(i) for counties with a population of 150,000 or more, minimum recycling rates beginning with 35% in 2016 and reaching 60% by 2029 and thereafter;

(ii) for counties with a population of less than 150,000, minimum recycling rates beginning with 20% in 2016 and reaching 60% by 2036 and thereafter;

(iii) for counties with a population of 150,000 or more, maximum landfill disposal rates beginning with 65% of the solid waste stream in 2016 and reaching 5% by 2029; and

(iv) for counties with a population of less than 150,000, maximum landfill disposal rates beginning with 80% of the solid waste stream in 2016 and reaching 5% by 2036;

(5) determine how solid waste is currently being handled by collecting and analyzing solid waste data from counties, municipal corporations, and nonresidential entities that may contribute to the county's solid waste stream and from private waste haulers and recyclers in Maryland;

(6) determine the appropriate definition of "solid waste" that should be incorporated into a recycling and landfill diversion portfolio standard;

(7) evaluate how a recycling and landfill diversion portfolio standard will affect current recycling plan and comprehensive solid waste plan requirements and processes, and recommend how to incorporate the recycling and waste diversion requirements of the standard into the plans and an appropriate incorporation timeline;

(8) determine how to integrate the recycling and waste management efforts in municipal corporations into county recycling and landfill waste diversion plans;

(9) evaluate and identify county recycling and waste diversion infrastructure needed to comply with a recycling and landfill diversion portfolio standard, including potential siting issues;

(10) determine how a recycling and landfill diversion portfolio standard would apply to counties that have existing landfill debt;

(11) review best practices in other states and countries for achieving recycling goals to determine whether those practices could be used to assist counties in achieving recycling goals in Maryland;

(12) determine whether new and emerging technologies in the waste management industry may assist counties in achieving a recycling and landfill diversion portfolio standard;

(13) determine how the Department of Business and Economic Development may assist in stimulating business opportunities and development in the waste management industry in ways that would assist counties in achieving a recycling and landfill diversion portfolio standard;

(14) identify appropriate methods of providing funding for counties and municipal corporations to achieve a recycling and landfill diversion portfolio standard, including how any State funds would be calculated to incentivize counties to meet the requirements of the recycling and landfill waste diversion requirements;

(15) consider allowing municipal corporations to be eligible to receive funds from the State Recycling Fund or from any other State aid that are available to assist a municipal corporation in increasing recycling rates, if the municipal corporation cooperates with the county to achieve the minimum recycling rates and the maximum landfill disposal rates and the municipal corporation participates and is included in the development and implementation of the county's recycling and landfill waste diversion plan;

(16) consider requiring any recycling rate requirement to be adjusted for noninclusion of a municipal corporation that does not cooperate with the county to achieve the minimum recycling rates or that does not participate and is not included

in the development and implementation of the county's recycling and landfill waste diversion plan;

(17) determine whether it would be appropriate to impose a compliance fee on a county that fails to achieve the applicable solid waste recycling and landfill waste diversion requirements and, if a compliance fee is determined to be appropriate:

(i) consider whether the compliance fee should be adjusted each year based on an inflationary index, calculated on a per ton basis, and increase each year as the recycling and landfill waste diversion requirements increase;

(ii) consider the impact of the imposition of a compliance fee on a county that fails to achieve the applicable solid waste recycling rate or exceeds the applicable landfill disposal rate;

(iii) determine the use of the compliance fees or potential penalties, including depositing the revenue in the State Recycling Fund for providing grants and other assistance to counties and municipal corporations; and

(iv) determine whether an exemption from compliance fees or other potential penalties would be appropriate for counties:

1. that have existing landfill debt;

2. that have adequate justification for an alternative recycling rate or landfill disposal rate;

3. when State funds are not provided to all counties; or

4. when the Governor has declared a state of emergency due to a disaster;

(18) examine whether other forms of incentives or potential penalties should be considered in order for counties and municipal corporations to meet the requirements of the recycling and landfill waste diversion requirements; and

(19) determine any other changes to State law that the Task Force deems appropriate to implement the recycling and landfill diversion portfolio standard.

(i) (1) Except as provided in paragraph (2) of this subsection, on or before December 31, 2014, the Task Force shall report its findings and recommendations, including legislation, to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) If the Task Force has not completed its work on or before December 31, 2014, the Task Force shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly:

(i) on or before December 31, 2014, its preliminary findings and recommendations; and

(ii) on or before December 31, 2015, its final findings and recommendations, including legislation.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect June 1, 2014. It shall remain effective for a period of 1 year and 7 months, and at the end of December 31, 2015, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2014.