

HOUSE BILL 61

M3

6lr0051

(PRE-FILED)

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Environment)**

Requested: October 27, 2015

Introduced and read first time: January 13, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Solid Waste, Recycling, and Anaerobic Digestion**

3 FOR the purpose of providing that a person may operate an anaerobic digestion facility
4 only in accordance with certain requirements, regulations, orders, and permits;
5 requiring the Department of the Environment to adopt regulations to implement
6 certain provisions relating to anaerobic digestion, including establishing certain
7 conditions on the operation and construction of anaerobic digestion facilities;
8 establishing a permit system for anaerobic digestion facilities; requiring the
9 Department to adopt regulations relating to recycling facilities, including conditions
10 for permit exemptions; providing that certain penalty provisions apply to violations
11 of certain provisions, regulations, orders, or permits; altering certain definitions,
12 including the definition of “solid waste” to include and exclude certain materials;
13 defining certain terms; and generally relating to solid waste, recycling, and
14 anaerobic digestion.

15 BY repealing and reenacting, with amendments,

16 Article – Environment

17 Section 9–101(j), 9–1701, and 9–1725; the part immediately preceding Section
18 9–1707 to be the amended part “Part II. Recyclable Materials and Recycling
19 Facilities”; and the part immediately preceding Section 9–1721 to be the
20 amended part “Part III. Composting and Anaerobic Digestion”

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2015 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article – Environment

25 Section 9–1707(a)(1) and 9–1721

26 Annotated Code of Maryland

27 (2014 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Environment
3 Section 9–1713
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2015 Supplement)

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

8 **Article – Environment**

9 9–101.

10 (j) (1) “Solid waste” means any garbage, refuse, sludge, or liquid from
11 industrial, commercial, mining, or agricultural operations or from community activities.

12 (2) “Solid waste” includes:

13 (i) Scrap tires as defined in § 9–201 of this title; [and]

14 (ii) Organic material capable of being composted **OR**
15 **ANAEROBICALLY DIGESTED** that is not composted **OR ANAEROBICALLY DIGESTED** in
16 accordance with regulations adopted under § 9–1725(b) of this title;

17 **(III) MATERIALS THAT ARE MANAGED AT A RECYCLING FACILITY**
18 **AND ARE NOT RETURNED TO THE MARKETPLACE IN THE FORM OF A RAW MATERIAL**
19 **OR PRODUCT; AND**

20 **(IV) RECYCLABLE MATERIALS THAT ARE NOT RETURNED TO**
21 **THE MARKETPLACE IN THE FORM OF A RAW MATERIAL OR PRODUCT WITHIN 1**
22 **CALENDAR YEAR FROM THE TIME THEY ARE RECEIVED.**

23 (3) “Solid waste” does not include:

24 (i) Solid or dissolved material in domestic sewage or in irrigation
25 return flows;

26 (ii) Compost as defined in § 9–1701 of this title; [or]

27 (iii) Organic material capable of being composted **OR**
28 **ANAEROBICALLY DIGESTED** that is composted **OR ANAEROBICALLY DIGESTED** in
29 accordance with regulations adopted under § 9–1725(b) of this title; **OR**

1 **(IV) MATERIALS THAT ARE MANAGED AT A RECYCLING FACILITY**
2 **IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 9–1713 OF THIS TITLE.**

3 9–1701.

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

5 **(B) “ANAEROBIC DIGESTION” MEANS THE CONTROLLED BIOLOGICAL**
6 **DECOMPOSITION OF ORGANIC WASTE MATERIAL IN THE ABSENCE OF OXYGEN, WITH**
7 **THE CONCURRENT CAPTURE OF PRODUCED GASES AND DIGESTATE, AND IN**
8 **ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE SECRETARY UNDER**
9 **THIS TITLE.**

10 **(C) (1) “ANAEROBIC DIGESTION FACILITY” MEANS A FACILITY WHERE**
11 **ANAEROBIC DIGESTION TAKES PLACE.**

12 **(2) “ANAEROBIC DIGESTION FACILITY” DOES NOT INCLUDE A**
13 **FACILITY THAT IS REQUIRED TO OBTAIN:**

14 **(I) A SEWAGE SLUDGE UTILIZATION PERMIT IN ACCORDANCE**
15 **WITH THIS TITLE; OR**

16 **(II) A REFUSE DISPOSAL PERMIT IN ACCORDANCE WITH THIS**
17 **TITLE.**

18 **[(b)] (D)** “Compost” means the product of composting in accordance with the
19 standards established by the Secretary of Agriculture under § 6–221 of the Agriculture
20 Article.

21 **[(c)] (E)** “Composting” means the controlled aerobic biological decomposition of
22 organic waste material in accordance with the standards established by the Secretary
23 under this title.

24 **[(d)] (F)** (1) “Composting facility” means a facility where composting takes
25 place.

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

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

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

31 or

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

2 **[(e)] (G)** (1) “Computer” means a desktop personal computer or laptop
3 computer, including the computer monitor.

4 (2) “Computer” does not include:

5 (i) A personal digital assistant device; or

6 (ii) A computer peripheral device, including:

7 1. A mouse or other similar pointing device;

8 2. A printer; or

9 3. A detachable keyboard.

10 **[(f)] (H)** (1) “Covered electronic device” means a computer or video display
11 device with a screen that is greater than 4 inches measured diagonally.

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

15 **[(g)] (I)** “Covered electronic device takeback program” means a program,
16 established by a covered electronic device manufacturer or a group of covered electronic
17 device manufacturers, for the collection and recycling, refurbishing, or reuse of a covered
18 electronic device labeled with the name of the manufacturer or the manufacturer’s brand
19 label, including:

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

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

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

26 **[(h)] (J)** “Director” means the Director of the Office of Recycling.

27 **[(i)] (K)** “Manufacturer” means a person that is the brand owner of a covered
28 electronic device sold or offered for sale in the State, by any means, including transactions
29 conducted through sales outlets, catalogs, or the Internet.

1 **[(j)] (L)** (1) “Natural wood waste” means tree and other natural vegetative
2 refuse.

3 (2) “Natural wood waste” includes tree stumps, brush and limbs, root mats,
4 logs, and other natural vegetative material.

5 **[(k)] (M)** (1) “Natural wood waste recycling facility” means a facility where
6 recycling services for natural wood waste are provided.

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

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

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

12 **[(l)] (N)** “Office” means the Office of Recycling within the Department.

13 **[(m)] (O)** “Recyclable materials” means those materials that:

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

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

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

21 (2) “Recycling” includes **[composting]**:

22 **(I) COMPOSTING; AND**

23 **(II) ANAEROBIC DIGESTION IF THE DIGESTATE IS RETURNED TO**
24 **THE MARKETPLACE IN THE FORM OF A RAW MATERIAL OR PRODUCT.**

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

28 **[(p)] (R)** “Resource recovery facility” means a facility in existence as of January
29 1, 1988 that:

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

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

5 **[(q)] (S)** (1) “Solid waste stream” means garbage or refuse that would, unless
6 recycled, be disposed of in a refuse disposal system.

7 (2) “Solid waste stream” includes organic material capable of being
8 composted **OR ANAEROBICALLY DIGESTED** that is not composted **OR ANAEROBICALLY**
9 **DIGESTED** in accordance with regulations adopted under § 9–1725(b) of this subtitle.

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

11 (i) Hospital waste;

12 (ii) Rubble;

13 (iii) Scrap material;

14 (iv) Land clearing debris;

15 (v) Sewage sludge; or

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

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

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

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

27 **[(s)] (U)** “White goods” includes:

28 (1) Refrigerators;

29 (2) Stoves;

30 (3) Washing machines;

- 1 (4) Dryers;
- 2 (5) Water heaters; and
- 3 (6) Air conditioners.

4 **[(t)] (v)** (1) "Yard waste" means organic plant waste derived from gardening,
5 landscaping, and tree trimming activities.

6 (2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds, and
7 prunings.

8 **Part II. Recyclable Materials AND RECYCLING FACILITIES.**

9 9-1707.

10 (a) (1) In this section the following words have the meanings indicated.

11 **9-1713.**

12 **(A) (1) IN THIS SECTION, "RECYCLING FACILITY" MEANS A FACILITY**
13 **THAT PROVIDES RECYCLING SERVICES.**

14 **(2) "RECYCLING FACILITY" DOES NOT INCLUDE:**

15 **(I) A COMPOSTING FACILITY;**

16 **(II) AN ANAEROBIC DIGESTION FACILITY;**

17 **(III) A NATURAL WOOD WASTE RECYCLING FACILITY; OR**

18 **(IV) A FACILITY THAT REQUIRES A SEWAGE SLUDGE**
19 **UTILIZATION PERMIT UNDER SUBTITLE 2 OF THIS TITLE.**

20 **(B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:**

21 **(1) ESTABLISH CONDITIONS UNDER WHICH A RECYCLING FACILITY**
22 **DOES NOT REQUIRE A REFUSE DISPOSAL PERMIT UNDER SUBTITLE 2 OF THIS TITLE;**
23 **AND**

24 **(2) EXEMPT CERTAIN MATERIALS THAT ARE MANAGED AT A**
25 **RECYCLING FACILITY FROM BEING DESIGNATED AS SOLID WASTE.**

1 (C) REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS SECTION MAY
2 INCLUDE:

3 (1) DESIGN, CONSTRUCTION, AND OPERATIONAL CONDITIONS FOR
4 RECYCLING FACILITIES TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT AND
5 TO MINIMIZE NUISANCES;

6 (2) A TIERED SYSTEM OF PERMITS OR APPROVALS FOR RECYCLING
7 FACILITIES BASED ON THE QUANTITY OF MATERIAL MANAGED, THE METHODS OF
8 MANAGEMENT AND STORAGE, AND OTHER FACTORS DETERMINED BY THE
9 DEPARTMENT TO BE APPROPRIATE; AND

10 (3) EXCEPTIONS TO ANY REQUIREMENT TO OBTAIN A RECYCLING
11 FACILITY PERMIT OR APPROVAL.

12 (D) THE PROVISIONS OF §§ 9–334 THROUGH 9–342 OF THIS TITLE AND §
13 10–104 OF THIS ARTICLE SHALL BE USED AND SHALL APPLY TO ENFORCE
14 VIOLATIONS OF:

15 (1) THIS SECTION;

16 (2) ANY REGULATION ADOPTED UNDER THIS SECTION; OR

17 (3) ANY ORDER OR PERMIT ISSUED UNDER THIS SECTION.

18 Part III. Composting AND ANAEROBIC DIGESTION.

19 9–1721.

20 Nothing in this part is intended to regulate or otherwise to interfere with the conduct
21 of a consumer or farmer who composts organic materials generated on a farm or residential
22 site controlled by that consumer or farmer for the production of safe compost to be used by
23 the consumer or farmer for personal, household, family, or agricultural purposes.

24 9–1725.

25 (a) A person may operate a composting facility OR ANAEROBIC DIGESTION
26 FACILITY in the State only in accordance with this part and any regulation, order, or
27 permit adopted or issued under this part.

28 (b) (1) The Department shall adopt regulations to implement the provisions of
29 this part.

30 (2) Regulations adopted under paragraph (1) of this subsection may:

1 (i) Establish conditions under which a person may construct and
2 operate a composting facility **OR ANAEROBIC DIGESTION FACILITY** in the State;

3 (ii) Establish a tiered system of permits or approvals for composting
4 facilities **AND ANAEROBIC DIGESTION FACILITIES** based on the type of feedstock, size of
5 [the] facility, and other factors determined by the Department to be appropriate;

6 (iii) Establish design and operational conditions for composting
7 facilities **AND ANAEROBIC DIGESTION FACILITIES** to protect public health and the
8 environment and to minimize nuisances;

9 (iv) Establish exceptions to any requirement to obtain a composting
10 facility permit or approval **OR ANAEROBIC DIGESTION FACILITY PERMIT OR**
11 **APPROVAL**;

12 (v) Exempt certain organic materials that are composted **OR**
13 **ANAEROBICALLY DIGESTED** from being designated as solid wastes; and

14 (vi) Establish any other provisions the Department deems necessary
15 to implement the provisions of this subtitle related to composting **AND ANAEROBIC**
16 **DIGESTION**.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2016.