

SENATE BILL 370

M3

(9lr1529)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Environment and Transportation —

Introduced by **Senators West, Waldstreicher, ~~and Washington~~ Washington, Kagan, and Lam**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Environment – Recycling – ~~Commercial Properties~~ Office Buildings**

3 FOR the purpose of requiring a county to address the collection and recycling of ~~certain~~
4 recyclable materials from certain ~~commercial properties~~ buildings zoned for office
5 ~~use that have a certain square footage of office space~~ in a certain recycling plan;
6 requiring certain owners of certain ~~commercial properties~~ buildings zoned for office
7 ~~use office buildings~~ to provide for the collection and recycling ~~for the employees on~~
8 ~~the properties~~ of certain recyclable materials in a certain manner on or before a
9 certain date; authorizing a certain tenant to carry out certain recycling requirements
10 under certain circumstances; ~~clarifying~~ specifying that certain provisions of this Act
11 do not affect the authority of a ~~county, municipality, or other local government~~
12 county or municipality to enact and enforce certain recycling requirements or to
13 alter, suspend, or exempt a person from certain recycling requirements under certain
14 circumstances; ~~clarifying~~ specifying that certain provisions of this Act do not require

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 a county to manage or enforce certain recycling activities within the boundaries of a
 2 municipality; authorizing a county to require ~~certain property owners~~ a certain
 3 ~~building owner or tenant~~ office building owner or tenant of an office building to report
 4 to the county on recycling activities; requiring that ~~the recycling required under this~~
 5 ~~Act~~ certain recycling requirements be carried out in accordance with certain recycling
 6 plans; ~~providing for a civil penalty for a certain violation~~; authorizing certain local
 7 enforcement units, officers, and officials to conduct certain inspections; defining a
 8 certain term; ~~providing for disbursement of penalties collected under this Act to~~
 9 ~~certain jurisdictions~~; ~~clarifying that this Act does not preempt or prevail over certain~~
 10 ~~other legislation~~ providing that this Act may not be construed to preempt or prevail
 11 over any ordinance, resolution, law, or rule more stringent than this Act; providing
 12 for a delayed effective date for a certain provision of this Act; and generally relating
 13 to the collection and recycling on commercial properties for office buildings of
 14 recyclable materials from office buildings.

15 BY repealing and reenacting, without amendments,
 16 Article – Environment
 17 Section 9–1701(a), (m), and (n) and 9–1703(a)
 18 Annotated Code of Maryland
 19 (2014 Replacement Volume and 2018 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article – Environment
 22 Section 9–1703(b)
 23 Annotated Code of Maryland
 24 (2014 Replacement Volume and 2018 Supplement)

25 BY adding to
 26 Article – Environment
 27 Section 9–1714
 28 Annotated Code of Maryland
 29 (2014 Replacement Volume and 2018 Supplement)

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

32 Article – Environment

33 9–1701.

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

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

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

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

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

6 (2) “Recycling” includes composting.

7 9–1703.

8 (a) Each county shall submit a recycling plan to the Secretary for approval when
9 the county submits its county plan to the Secretary in accordance with the provisions of §
10 9–505 of this title.

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

13 (1) Methods to meet the solid waste stream reduction;

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

16 (3) The recyclable materials to be separated;

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

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

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

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

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

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

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

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

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

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

7 (14) The collection and recycling of recyclable materials from special events;
 8 [and]

9 (15) ~~THE COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS~~
 10 ~~FROM COMMERCIAL PROPERTIES THAT ARE OCCUPIED BY ONE OR MORE~~
 11 ~~COMMERCIAL ENTITIES WITH A TOTAL OF AT LEAST 200 FULL-TIME EMPLOYEES~~
 12 ~~BUILDINGS THAT ARE HAVE 150,000 SQUARE FEET OR GREATER AND ZONED FOR~~
 13 ~~OFFICE USE OF OFFICE SPACE; AND~~

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 17 as follows:

18 Article – Environment

19 9-1714.

20 (A) (1) ~~THIS SECTION APPLIES ONLY TO THE OWNER OF A COMMERCIAL~~
 21 ~~PROPERTY OCCUPIED BY ONE OR MORE COMMERCIAL ENTITIES WITH A TOTAL OF~~
 22 ~~AT LEAST 200 FULL-TIME EMPLOYEES BUILDING THAT IS 150,000 SQUARE FEET OR~~
 23 ~~GREATER AND ZONED FOR OFFICE USE.~~

24 (A) (1) IN THIS SECTION, “OFFICE BUILDING” MEANS A BUILDING THAT
 25 HAS 150,000 SQUARE FEET OR GREATER OF OFFICE SPACE.

26 (2) ~~THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A COUNTY,~~
 27 ~~A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT TO ENACT COUNTY OR~~
 28 ~~MUNICIPALITY TO:~~

29 (I) ENACT AND ENFORCE RECYCLING REQUIREMENTS,
 30 INCLUDING ESTABLISHING CIVIL PENALTIES, FOR A AN OFFICE COMMERCIAL
 31 PROPERTY THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS
 32 SECTION BUILDING ZONED FOR OFFICE USE; OR

1 (II) ALTER ~~OR SUSPEND~~, OR EXEMPT A PERSON FROM
2 RECYCLING REQUIREMENTS:

3 1. DUE TO SPECIAL CIRCUMSTANCES THAT ~~AFFECT A~~
4 ~~SINGLE PROPERTY~~ ARE IDENTIFIED BY THE OFFICE BUILDING OWNER IN AN
5 APPLICATION TO THE COUNTY OR MUNICIPALITY FOR AN ALTERATION OR
6 EXEMPTION; OR

7 2. IN RESPONSE TO CHANGING MARKET CONDITIONS
8 THAT AFFECT THE COUNTY OR MUNICIPALITY.

9 (3) THIS SECTION DOES NOT REQUIRE A COUNTY TO MANAGE OR
10 ENFORCE THE RECYCLING ACTIVITIES OF ~~A AN OFFICE COMMERCIAL PROPERTY~~
11 BUILDING THAT IS LOCATED WITHIN THE BOUNDARIES OF A MUNICIPALITY.

12 (B) (1) ~~ON SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR~~
13 ~~BEFORE OCTOBER 1, 2021, UNLESS OTHERWISE AGREED BETWEEN AN OWNER AND~~
14 ~~A TENANT, EACH OWNER OF A AN OFFICE COMMERCIAL PROPERTY SHALL PROVIDE~~
15 ~~FOR RECYCLING FOR THE EMPLOYEES ON THE PROPERTY, INCLUDING BUILDING~~
16 ~~THAT IS 150,000 SQUARE FEET OR GREATER AND ZONED FOR OFFICE USE SHALL~~
17 PROVIDE:

18 (I) ~~THE PROVISION OF A A RECYCLING RECEPTACLE ON THE~~
19 PROPERTY ~~RECYCLING RECEPTACLES~~ FOR THE COLLECTION OF RECYCLABLE
20 MATERIALS; AND

21 (II) ~~THE FOR THE REMOVAL FOR FURTHER RECYCLING OF ALL~~
22 RECYCLABLE THE FOLLOWING MATERIALS, AS DETERMINED BY THE COUNTY OR
23 MUNICIPALITY IN WHICH THE BUILDING IS LOCATED, DEPOSITED INTO THE
24 RECYCLING ~~RECEPTACLE~~ RECEPTACLES:

25 1. PAPER AND CARDBOARD;

26 2. ~~ALUMINUM, STEEL, AND TIN CANS~~ METAL; AND

27 3. PLASTIC BOTTLES MATERIALS AND JUGS, AS
28 ~~DETERMINED BY THE COUNTY OR MUNICIPALITY IN WHICH THE BUILDING IS~~
29 LOCATED.

30 (2) ON AGREEMENT BETWEEN AN OFFICE BUILDING OWNER AND THE
31 TENANT OF THE OFFICE BUILDING, A TENANT MAY CARRY OUT THE RECYCLING
32 REQUIRED UNDER THIS SUBSECTION.

1 ~~(2)~~ (3) A COUNTY MAY REQUIRE ~~A~~ AN OFFICE ~~COMMERCIAL~~
 2 ~~PROPERTY OWNER~~ BUILDING OWNER OR A TENANT OF ~~A~~ AN OFFICE BUILDING THAT
 3 PROVIDES FOR RECYCLING ~~FOR EMPLOYEES ON THE PROPERTY~~ IN ACCORDANCE
 4 WITH ~~PARAGRAPH (1) OF~~ THIS SUBSECTION TO REPORT TO THE COUNTY ON
 5 RECYCLING ACTIVITIES IN A MANNER DETERMINED BY THE COUNTY.

6 (C) THE RECYCLING REQUIRED UNDER SUBSECTION (B) OF THIS SECTION
 7 SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN REQUIRED
 8 UNDER § 9-1703 OF THIS SUBTITLE FOR THE COUNTY IN WHICH THE ~~COMMERCIAL~~
 9 ~~PROPERTY BUILDING~~ OFFICE BUILDING IS LOCATED.

10 ~~(D)~~ ~~A PERSON THAT VIOLATES SUBSECTION (B) OR (C) OF THIS SECTION IS~~
 11 ~~SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$300 FOR EACH DAY ON WHICH THE~~
 12 ~~VIOLATION EXISTS.~~

13 ~~(E)~~ (D) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A ~~COUNTY, A~~
 14 ~~MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT~~ COUNTY OR MUNICIPALITY
 15 MAY CONDUCT INSPECTIONS ~~OF A COMMERCIAL PROPERTY~~ TO ENFORCE THIS
 16 SECTION.

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed
 21 to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this
 22 Act.

23 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
 24 effect October 1, 2020.

25 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
 26 4 of this Act, this Act shall take effect October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.