

SENATE BILL 370

M3

9lr1529

By: **Senators West, Waldstreicher, and Washington**

Introduced and read first time: January 31, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Recycling – Commercial Properties**

3 FOR the purpose of requiring a county to address the collection and recycling of certain
4 materials from certain commercial properties in a certain recycling plan; requiring
5 certain owners of certain commercial properties to provide for recycling for the
6 employees on the properties on or before a certain date; clarifying that certain
7 provisions of this Act do not affect the authority of a county, municipality, or other
8 local government to enact and enforce certain recycling requirements; clarifying that
9 certain provisions of this Act do not require a county to manage or enforce certain
10 recycling activities within the boundaries of a municipality; authorizing a county to
11 require certain property owners to report to the county on recycling activities;
12 requiring that the recycling required under this Act be carried out in accordance with
13 certain recycling plans; providing for a civil penalty for a certain violation;
14 authorizing certain local enforcement units, officers, and officials to conduct certain
15 inspections; providing for disbursement of penalties collected under this Act to
16 certain jurisdictions; clarifying that this Act does not preempt or prevail over certain
17 other legislation; providing for a delayed effective date for a certain provision of this
18 Act; and generally relating to recycling on commercial properties.

19 BY repealing and reenacting, without amendments,
20 Article – Environment
21 Section 9–1701(a), (m), and (n) and 9–1703(a)
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2018 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Environment
26 Section 9–1703(b)
27 Annotated Code of Maryland
28 (2014 Replacement Volume and 2018 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 9–1714
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2018 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 9–1701.

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

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

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

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

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

19 (2) “Recycling” includes composting.

20 9–1703.

21 (a) Each county shall submit a recycling plan to the Secretary for approval when
22 the county submits its county plan to the Secretary in accordance with the provisions of §
23 9–505 of this title.

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

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

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

29 (3) The recyclable materials to be separated;

30 (4) The strategy for the collection, processing, marketing, and disposition
31 of recyclable materials, including the cost-effective use of recycling centers;

1 **(A) (1) THIS SECTION APPLIES ONLY TO THE OWNER OF A COMMERCIAL**
2 **PROPERTY OCCUPIED BY ONE OR MORE COMMERCIAL ENTITIES WITH A TOTAL OF**
3 **AT LEAST 200 FULL-TIME EMPLOYEES.**

4 **(2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A COUNTY,**
5 **A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT TO ENACT AND ENFORCE**
6 **RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL PENALTIES, FOR A**
7 **COMMERCIAL PROPERTY THAT ARE MORE STRINGENT THAN THE REQUIREMENTS**
8 **OF THIS SECTION.**

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

12 **(B) (1) ON OR BEFORE OCTOBER 1, 2021, EACH OWNER OF A**
13 **COMMERCIAL PROPERTY SHALL PROVIDE FOR RECYCLING FOR THE EMPLOYEES ON**
14 **THE PROPERTY, INCLUDING:**

15 **(I) THE PROVISION OF A RECYCLING RECEPTACLE ON THE**
16 **PROPERTY FOR THE COLLECTION OF RECYCLABLE MATERIALS; AND**

17 **(II) THE REMOVAL FOR FURTHER RECYCLING OF ALL**
18 **RECYCLABLE MATERIALS DEPOSITED INTO THE RECYCLING RECEPTACLE.**

19 **(2) A COUNTY MAY REQUIRE A COMMERCIAL PROPERTY OWNER THAT**
20 **PROVIDES FOR RECYCLING FOR EMPLOYEES ON THE PROPERTY IN ACCORDANCE**
21 **WITH PARAGRAPH (1) OF THIS SUBSECTION TO REPORT TO THE COUNTY ON**
22 **RECYCLING ACTIVITIES IN A MANNER DETERMINED BY THE COUNTY.**

23 **(C) THE RECYCLING REQUIRED UNDER SUBSECTION (B) OF THIS SECTION**
24 **SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN REQUIRED**
25 **UNDER § 9-1703 OF THIS SUBTITLE FOR THE COUNTY IN WHICH THE COMMERCIAL**
26 **PROPERTY IS LOCATED.**

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

30 **(E) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY, A**
31 **MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT MAY CONDUCT INSPECTIONS**
32 **OF A COMMERCIAL PROPERTY TO ENFORCE THIS SECTION.**

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

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

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

9 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
10 4 of this Act, this Act shall take effect October 1, 2019.