

# SENATE BILL 370

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9lr1529

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By: Senators West, Waldstreicher, and Washington ~~Washington, Kagan, and Lam~~

Introduced and read first time: January 31, 2019

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2019

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## 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 materials from certain ~~commercial properties~~ buildings zoned for office use in a  
5 certain recycling plan; requiring certain owners of certain ~~commercial properties~~  
6 buildings zoned for office use to provide for recycling ~~for the employees on the~~  
7 ~~properties~~ of certain materials in a certain manner on or before a certain date;  
8 clarifying that certain provisions of this Act do not affect the authority of a ~~county,~~  
9 ~~municipality, or other local government~~ county or municipality to enact and enforce  
10 certain recycling requirements or to alter, suspend, or exempt a person from certain  
11 recycling requirements under certain circumstances; clarifying that certain  
12 provisions of this Act do not require a county to manage or enforce certain recycling  
13 activities within the boundaries of a municipality; authorizing a county to require  
14 ~~certain property owners~~ a certain building owner or tenant to report to the county  
15 on recycling activities; requiring that the recycling required under this Act be carried  
16 out in accordance with certain recycling plans; ~~providing for a civil penalty for a~~  
17 ~~certain violation~~; authorizing certain local enforcement units, officers, and officials  
18 to conduct certain inspections; ~~providing for disbursement of penalties collected~~  
19 ~~under this Act to certain jurisdictions~~; clarifying that this Act does not preempt or  
20 prevail over certain other legislation; providing for a delayed effective date for a  
21 certain provision of this Act; and generally relating to recycling ~~on commercial~~  
22 ~~properties~~ for office buildings.

23 BY repealing and reenacting, without amendments,

24 Article – Environment

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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.



1 Section 9–1701(a), (m), and (n) and 9–1703(a)  
2 Annotated Code of Maryland  
3 (2014 Replacement Volume and 2018 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article – Environment  
6 Section 9–1703(b)  
7 Annotated Code of Maryland  
8 (2014 Replacement Volume and 2018 Supplement)

9 BY adding to  
10 Article – Environment  
11 Section 9–1714  
12 Annotated Code of Maryland  
13 (2014 Replacement Volume and 2018 Supplement)

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

16 **Article – Environment**

17 9–1701.

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

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

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

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

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

27 (2) “Recycling” includes composting.

28 9–1703.

29 (a) Each county shall submit a recycling plan to the Secretary for approval when  
30 the county submits its county plan to the Secretary in accordance with the provisions of §  
31 9–505 of this title.

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

- 1 (1) Methods to meet the solid waste stream reduction;
- 2 (2) The feasibility of source separation of the solid waste stream generated  
3 within the county;
- 4 (3) The recyclable materials to be separated;
- 5 (4) The strategy for the collection, processing, marketing, and disposition  
6 of recyclable materials, including the cost-effective use of recycling centers;
- 7 (5) Methods of financing the recycling efforts proposed by the county;
- 8 (6) Methods for the separate collection and composting of yard waste;
- 9 (7) The feasibility of a system for the composting of mixed solid wastes;
- 10 (8) The feasibility of a system for the collection and recycling of white  
11 goods;
- 12 (9) The separate collection of other recyclable materials;
- 13 (10) The strategy for the collection, processing, marketing, and disposition  
14 of recyclable materials from county public schools;
- 15 (11) The strategy for the collection and recycling of fluorescent and compact  
16 fluorescent lights that contain mercury;
- 17 (12) The collection and recycling of recyclable materials from residents of  
18 apartment buildings and condominiums that contain 10 or more dwelling units by property  
19 owners or managers of apartment buildings and councils of unit owners of condominiums;
- 20 (13) If applicable, a method for implementing a reporting requirement for  
21 recyclable materials generated at apartment buildings and condominiums that contain 10  
22 or more dwelling units;
- 23 (14) The collection and recycling of recyclable materials from special events;

24 [and]

25 **(15) THE COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS**  
26 **FROM ~~COMMERCIAL PROPERTIES THAT ARE OCCUPIED BY ONE OR MORE~~**  
27 **~~COMMERCIAL ENTITIES WITH A TOTAL OF AT LEAST 200 FULL-TIME EMPLOYEES~~**  
28 **BUILDINGS THAT ARE 150,000 SQUARE FEET OR GREATER AND ZONED FOR OFFICE**  
29 **USE; AND**



1                    (II) ~~THE~~ FOR THE REMOVAL FOR FURTHER RECYCLING OF ALL  
 2 ~~RECYCLABLE~~ THE FOLLOWING MATERIALS DEPOSITED INTO THE RECYCLING  
 3 RECEPTACLE:

4                    1.     PAPER AND CARDBOARD;

5                    2.     ALUMINUM, STEEL, AND TIN CANS; AND

6                    3.     PLASTIC BOTTLES AND JUGS, AS DETERMINED BY THE  
 7 COUNTY OR MUNICIPALITY IN WHICH THE BUILDING IS LOCATED.

8                    (2) A COUNTY MAY REQUIRE A ~~COMMERCIAL PROPERTY OWNER~~  
 9 BUILDING OWNER OR A TENANT OF A BUILDING THAT PROVIDES FOR RECYCLING  
 10 ~~FOR EMPLOYEES ON THE PROPERTY~~ IN ACCORDANCE WITH PARAGRAPH (1) OF THIS  
 11 SUBSECTION TO REPORT TO THE COUNTY ON RECYCLING ACTIVITIES IN A MANNER  
 12 DETERMINED BY THE COUNTY.

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

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

20                    ~~(E) (D)~~ AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A ~~COUNTY, A~~  
 21 ~~MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT~~ COUNTY OR MUNICIPALITY  
 22 MAY CONDUCT INSPECTIONS ~~OF A COMMERCIAL PROPERTY~~ TO ENFORCE THIS  
 23 SECTION.

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

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

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

32                    SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section  
 33 4 of this Act, this Act shall take effect October 1, 2019.