**HOUSE BILL 589**

By: Delegates Charkoudian, Boyce, Cain, Crutchfield, Feldmark, Fraser–Hidalgo, Korman, J. Lewis, R. Lewis, Lierman, Love, Moon, Palakovich Carr, Shetty, Solomon, Stewart, and Wilkins

Introduced and read first time: January 27, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Solid Waste Management – Organics Recycling and Waste Diversion – Food Residuals

FOR the purpose of requiring a certain person that generates food residuals to separate the food residuals from other solid waste and ensure that the food residuals are diverted from final disposal in a refuse disposal system in a certain manner under certain circumstances; requiring the Department of the Environment to report to the General Assembly on or before a certain date and each year thereafter; providing that this Act may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this Act; requiring the Department to establish certain guidelines and develop certain mapping; providing for the application of this Act; defining certain terms; and generally relating to organics recycling and waste diversion.

BY repealing and reenacting, without amendments,

Article – Environment
Section 9–201(a) and (e) and 9–1701(a), (b), (d), (n), (o), and (q)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY adding to

Article – Environment
Section 9–1701(i–1) and (r–1) and 9–1724.1
Annotated Code of Maryland
(2014 Replacement Volume and 2019 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.
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Article – Environment

9–201.

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

(e) “Refuse disposal system” includes:

(1) An incinerator;
(2) A transfer station;
(3) A landfill system;
(4) A landfill;
(5) A solid waste processing facility; and
(6) Any other solid waste acceptance facility.

9–1701.

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

(b) “Anaerobic digestion” means the controlled anaerobic biological decomposition of organic waste material to produce biogas and digestate.

d) “Composting” means the controlled aerobic biological decomposition of organic waste material in accordance with the standards established by the Secretary under this title.

(I–1) “FOOD RESIDUALS” MEANS MATERIAL DERIVED FROM THE PROCESSING OR DISCARDING OF FOOD, INCLUDING PRE– AND POST–CONSUMER VEGETABLES, FRUITS, GRAINS, DAIRY PRODUCTS, AND MEATS.

(n) (1) “Organics recycling” means any process in which organic materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(2) “Organics recycling” includes anaerobic digestion and composting.

(o) “Organics recycling facility” means a facility where organics recycling takes place.

(q) “Recycling” means any process in which recyclable materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.
“Refuse disposal system” has the meaning stated in § 9–201 of this title.

9–1724.1.

(A) This section applies only to a person that:

(1) On or after January 1, 2021, generates at least 2 tons of food residuals each week;

   (II) On or after January 1, 2022, generates at least 1 ton of food residuals each week;

   (III) On or after January 1, 2023, generates at least one-half ton of food residuals each week; and

   (IV) On or after January 1, 2024, generates at least one-quarter ton of food residuals each week; and

   (2) Generates the food residuals at a location that is within a 30–mile radius of an organics recycling facility that:

       (I) Has the capacity to accept and process the food residuals; and

       (II) Is willing to accept the food residuals for recycling.

(B) Except as provided in subsection (C) of this section, a person that generates food residuals shall:

   (1) Separate the food residuals from other solid waste; and

   (2) Ensure that the food residuals are diverted from final disposal in a refuse disposal system by:

       (I) Reducing the amount of food residuals generated by the person;

       (II) Donating servable food;
(III) Managing the food residuals in a system installed on site;

(IV) Providing for the collection and transportation of the food residuals for agricultural use, including for use as animal feed;

(V) Providing for the collection and transportation of the food residuals for processing in an organics recycling facility;

or

(VI) Engaging in any combination of the waste diversion activities listed under items (I) through (V) of this item.

(C) On or before December 1, 2021, and each December 1 thereafter, the Department shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the implementation of this section, including the impacts on waste diversion in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to preempt or prevail over any local ordinance, resolution, law, or rule more stringent than this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of the Environment shall:

(1) establish guidelines to assist businesses with complying with the provisions of this Act, including guidelines for estimating the weight of the food residuals generated by a business; and

(2) develop mapping and other systems to identify existing composting facilities and the geographic areas within the 30–mile radius of each facility.

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