

# HOUSE BILL 1538

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By: **Delegates Smith, R. Lewis, Lierman, and Mosby**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Waste Haulers – Reporting Requirement**

3 FOR the purpose of requiring, beginning on a certain date, a waste hauler to report with a  
4 certain frequency to the Department of the Environment on certain information  
5 regarding waste collected or hauled; requiring a waste hauler to keep a copy of the  
6 report for a certain number of years; requiring a certain report to include certain  
7 information; requiring a waste hauler to, on request by the Department and within  
8 a certain number of days, provide to the Department certain documents or allow the  
9 Department to enter a certain site and examine the documents under certain  
10 circumstances; requiring the Department to make a certain form available on its  
11 website a certain number of days before a certain reporting deadline; requiring the  
12 Department to keep certain information confidential except under certain  
13 circumstances; establishing that a certain requirement does not limit the ability of  
14 the Department to prepare a certain summary; requiring the Department to enforce  
15 the provisions of this Act; authorizing the Department to impose a certain penalty  
16 on a waste hauler that violates this Act; prohibiting the imposition of a certain  
17 penalty unless certain conditions are met; requiring the Department to adopt certain  
18 regulations; defining certain terms; and generally relating to reporting requirements  
19 for waste haulers.

20 BY repealing and reenacting, without amendments,  
21 Article – Environment  
22 Section 9–201(a) and (e) and 9–1701(a), (e), (n), (o), and (s)  
23 Annotated Code of Maryland  
24 (2014 Replacement Volume and 2019 Supplement)

25 BY adding to  
26 Article – Environment  
27 Section 9–2301 through 9–2305 to be under the new subtitle “Subtitle 23. Waste  
28 Hauler Reporting”  
29 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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:

**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.

(e) (1) “Composting facility” means a facility where composting takes place.

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

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

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

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

(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.

1 (o) "Organics recycling facility" means a facility where organics recycling takes  
2 place.

3 (s) "Resource recovery facility" means a facility in existence as of January 1, 1988  
4 that:

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

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

9 **SUBTITLE 23. WASTE HAULER REPORTING.**

10 **9-2301.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

13 (B) (1) "GENERATOR" MEANS A FACILITY OR BUILDING THAT  
14 GENERATES WASTE.

15 (2) "GENERATOR" INCLUDES:

16 (I) A COMMERCIAL FACILITY;

17 (II) A RESIDENTIAL HOME; AND

18 (III) A MULTIFAMILY HOME.

19 (C) "WASTE" MEANS:

20 (1) ITEMS INTENDED FOR RECYCLING;

21 (2) ORGANIC WASTE; AND

22 (3) SOLID WASTE.

23 (D) "WASTE HAULER" MEANS A PERSON THAT IS CONTRACTED TO:

24 (1) COLLECT OR HAUL WASTE FROM A GENERATOR; AND

25 (2) TRANSPORT WASTE FOR COMPOSTING, DISPOSAL, OR RECYCLING

1 AT A FACILITY OR DISPOSAL SITE THAT IS SEPARATE FROM THE GENERATOR,  
2 INCLUDING:

3 (I) A COMPOSTING FACILITY, AS DEFINED IN § 9-1701 OF THIS  
4 SUBTITLE;

5 (II) A LANDFILL;

6 (III) AN ORGANICS RECYCLING FACILITY, AS DEFINED IN §  
7 9-1701 OF THIS SUBTITLE;

8 (IV) A RECYCLING FACILITY;

9 (V) A REFUSE DISPOSAL SYSTEM, AS DEFINED IN § 9-201 OF  
10 THIS SUBTITLE; AND

11 (VI) A RESOURCE RECOVERY FACILITY, AS DEFINED IN § 9-1701  
12 OF THIS SUBTITLE.

13 9-2302.

14 (A) (1) BEGINNING JANUARY 1, 2021, A WASTE HAULER SHALL SUBMIT  
15 TO THE DEPARTMENT A SEMIANNUAL REPORT INDICATING THE ACTUAL TONNAGE  
16 OF WASTE COLLECTED OR HAULED DURING THE REPORTING PERIOD.

17 (2) A WASTE HAULER SHALL SUBMIT THE REPORT:

18 (I) FOR THE JANUARY 1 THROUGH JUNE 30 REPORTING  
19 PERIOD, ON OR BEFORE AUGUST 1 OF THAT YEAR; AND

20 (II) FOR THE JULY 1 THROUGH DECEMBER 31 REPORTING  
21 PERIOD, ON OR BEFORE FEBRUARY 1 OF THE IMMEDIATELY FOLLOWING CALENDAR  
22 YEAR.

23 (B) A WASTE HAULER SHALL MAINTAIN A COPY OF EACH REPORT  
24 SUBMITTED TO THE DEPARTMENT FOR AT LEAST 5 YEARS FROM THE DATE ON  
25 WHICH THE REPORT IS SUBMITTED.

26 (C) A REPORT SUBMITTED UNDER THIS SECTION SHALL INCLUDE:

27 (1) THE WASTE HAULER'S NAME AND CONTACT INFORMATION;

28 (2) THE ACTUAL TONNAGE OF WASTE COLLECTED OR HAULED

1 DURING THE REPORTING PERIOD, DISAGGREGATED BY:

2 (I) TYPE OF WASTE; AND

3 (II) TYPE OF GENERATOR;

4 (3) THE NAME AND LOCATION OF EACH FACILITY AND DISPOSAL SITE  
5 TO WHICH WASTE WAS DELIVERED DURING THE REPORTING PERIOD, INCLUDING  
6 THE AMOUNT AND TYPE OF WASTE DELIVERED TO EACH FACILITY AND DISPOSAL  
7 SITE; AND

8 (4) A SIGNED ACKNOWLEDGMENT BY THE WASTE HAULER THAT, TO  
9 THE BEST OF THE WASTE HAULER'S INFORMATION, KNOWLEDGE, AND BELIEF, THE  
10 INFORMATION INCLUDED IN THE REPORT IS CORRECT.

11 (D) ON REQUEST FROM THE DEPARTMENT, A WASTE HAULER SHALL,  
12 WITHIN 30 DAYS AFTER THE REQUEST IS MADE:

13 (1) PROVIDE TO THE DEPARTMENT ANY SUPPORTING  
14 DOCUMENTATION FOR A REPORT SUBMITTED UNDER THIS SECTION; OR

15 (2) IF AGREED TO BY THE DEPARTMENT, ALLOW THE DEPARTMENT  
16 TO:

17 (I) ENTER THE SITE WHERE ANY SUPPORTING  
18 DOCUMENTATION FOR A REPORT SUBMITTED UNDER THIS SECTION IS STORED; AND

19 (II) EXAMINE THE SUPPORTING DOCUMENTATION.

20 9-2303.

21 (A) NOT LESS THAN 30 DAYS BEFORE EACH REPORTING DEADLINE, THE  
22 DEPARTMENT SHALL MAKE AVAILABLE ON ITS WEBSITE ANY FORMS THAT ARE  
23 NECESSARY FOR A WASTE HAULER TO MEET THE REQUIREMENTS OF THIS SUBTITLE.

24 (B) (1) UNLESS OTHERWISE REQUIRED BY FEDERAL OR STATE LAW, THE  
25 DEPARTMENT SHALL KEEP ALL REPORTING INFORMATION RELATING TO THE  
26 IDENTITY OF A WASTE HAULER CONFIDENTIAL.

27 (2) THE CONFIDENTIALITY REQUIREMENT IN PARAGRAPH (1) OF  
28 THIS SUBSECTION DOES NOT LIMIT THE ABILITY OF THE DEPARTMENT TO USE THE  
29 INFORMATION PROVIDED IN A REPORT TO PREPARE A SUMMARY OF WASTE HAULING  
30 STATISTICS IN THE STATE.

1 **9-2304.**

2 (A) **THE DEPARTMENT SHALL ENFORCE THIS SUBTITLE.**

3 (B) **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT MAY**  
4 **IMPOSE A PENALTY NOT EXCEEDING \$250 ON A WASTE HAULER THAT VIOLATES THIS**  
5 **SUBTITLE.**

6 (C) **A PENALTY MAY NOT BE IMPOSED UNDER THIS SECTION UNLESS:**

7 (1) **THE DEPARTMENT FIRST ISSUES A WRITTEN NOTICE OF**  
8 **VIOLATION TO THE WASTE HAULER; AND**

9 (2) **THE VIOLATION IS NOT CORRECTED WITHIN 3 MONTHS AFTER**  
10 **RECEIPT OF THE WRITTEN NOTICE.**

11 **9-2305.**

12 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**  
13 **SUBTITLE.**

14 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
15 **October 1, 2020.**