

# SENATE BILL 304

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(PRE-FILED)

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CF HB 280

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By: **Senator Pinsky**

Requested: October 27, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Recycling Act – Recyclable Materials and Resource Recovery**  
3 **Facilities – Alterations**

4 FOR the purpose of altering the definition of “recyclable materials” under the Maryland  
5 Recycling Act to exclude incinerator ash; repealing the authority of a county to utilize  
6 a resource recovery facility to meet a certain percentage of the waste reduction  
7 required to be achieved through recycling in the county’s recycling plan; making  
8 conforming changes; and generally relating to the Maryland Recycling Act.

9 BY repealing and reenacting, without amendments,  
10 Article – Environment  
11 Section 9–1701(a)  
12 Annotated Code of Maryland  
13 (2014 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Environment  
16 Section 9–1701(p) and (t) through (w) and 9–1703(e) through (g)  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2020 Supplement)

19 BY repealing  
20 Article – Environment  
21 Section 9–1701(s) and 9–1703(d)  
22 Annotated Code of Maryland  
23 (2014 Replacement Volume and 2020 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Environment**

2 9–1701.

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

4 (p) **(1)** “Recyclable materials” means those materials that:5 **[(1)] (I)** Would otherwise become solid waste for disposal in a refuse  
6 disposal system; and7 **[(2)] (II)** May be collected, separated, composted, or processed and  
8 returned to the marketplace in the form of raw materials or products.9 **(2) “RECYCLABLE MATERIALS” DOES NOT INCLUDE INCINERATOR**  
10 **ASH.**11 **[(s)]** “Resource recovery facility” means a facility in existence as of January 1, 1988  
12 that:13 (1) Processes solid waste to produce valuable resources, including steam,  
14 electricity, metals, or refuse–derived fuel; and15 (2) Achieves a volume reduction of at least 50 percent of its solid waste  
16 stream.]17 **[(t)] (S)** (1) “Solid waste stream” means garbage or refuse that would, unless  
18 recycled, be disposed of in a refuse disposal system.19 (2) “Solid waste stream” includes organic material capable of being  
20 composted that is not composted in accordance with regulations adopted under § 9–1725(b)  
21 of this subtitle.

22 (3) “Solid waste stream” does not include:

23 (i) Hospital waste;

24 (ii) Rubble;

25 (iii) Scrap material;

26 (iv) Land clearing debris;

27 (v) Sewage sludge; or

28 (vi) Waste generated by a single individual or business and disposed

1 of in a facility dedicated solely for that entity's waste.

2 **[(u)] (T)** (1) "Video display device" means an electronic device with an output  
3 surface that displays or is capable of displaying moving graphical images or visual  
4 representations of image sequences or pictures that show a number of quickly changing  
5 images on a screen to create the illusion of motion.

6 (2) "Video display device" includes a device that is an integral part of the  
7 display and cannot easily be removed from the display by the consumer and that produces  
8 the moving image on the screen.

9 (3) A video display device may use a cathode-ray tube (CRT), liquid crystal  
10 display (LCD), gas plasma, digital light processing, or other image-projection technology.

11 **[(v)] (U)** "White goods" includes:

12 (1) Refrigerators;

13 (2) Stoves;

14 (3) Washing machines;

15 (4) Dryers;

16 (5) Water heaters; and

17 (6) Air conditioners.

18 **[(w)] (V)** (1) "Yard waste" means organic plant waste derived from gardening,  
19 landscaping, and tree trimming activities.

20 (2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds, and  
21 prunings.

22 9-1703.

23 **[(d)]** A county that achieves a reduction of at least 5 percent in the volume of its  
24 waste through the utilization of 1 or more resource recovery facilities in operation as of  
25 January 1, 1988, shall be considered to have achieved a reduction by recycling of 5 percent  
26 of its solid waste stream.]

27 **[(e)] (D)** In preparing a recycling plan, a county may not calculate a tax or  
28 mandatory deposit on any beverage container that is enacted by a county or municipality  
29 to achieve the recycling goals required under § 9-505 of this title.

30 **[(f)] (E)** For the purpose of determining weight, the Department may not

1 preclude the use of portable weigh scales.

2           **[(g)] (F)**     A county shall revise its recycling plan by:

3                   (1)     October 1, 2010, to address the requirements of subsection (b)(10) of  
4 this section;

5                   (2)     October 1, 2011, to address the requirements of subsection (b)(11) of  
6 this section; and

7                   (3)     October 1, 2015, to address the requirements of subsection (b)(14) of  
8 this section.

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2021.