February 26, 2020

Comments before House Environment & Transportation Committee

FAVORABLE

HB 1032: Solid Waste Management - Refuse Disposal Systems…

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Good afternoon. My name is Mike Ewall, and I'm the founder and director of a national organization, Energy Justice Network. Energy Justice works at the local level with grassroots community groups in Maryland and the rest of the country to support efforts to promote Zero Waste, and to protect communities from unnecessary dirty energy and waste industry facilities.

Some wires got crossed in the drafting process of this bill. All of the language regarding scrap tires is to be removed, and missing language regarding Zero Waste policy, definitions, and a technical correction are to be added. A clean amended version of this bill is attached to this testimony.

What the bill does is as follows:

First, it makes some technical corrections to clarify an existing savings clause, and makes sure that the waste management code mirrors the language in the air pollution code.

Second, it adopts the international peer-reviewed definition of Zero Waste, and the Zero Waste Hierarchy as guiding state policy.

Finally, it adds definitions for incineration, Zero Waste, and the Zero Waste Hierarchy and clarifies the earlier language in this bill about incinerator permitting.

To focus in on the main piece, on Zero Waste, the notion of Zero Waste is aspirational, but realistic and not utopian. As with any other "zero" policy, no one expects to get to literal zero, but we have policies for zero drug tolerance, zero safety defects, zero worker injuries…. For example, what CEO out there would announce a goal of injuring only five workers per year? They'd be laughed out of the room! It's the same with Zero Waste. If you're not for Zero Waste, how much waste are you for?

Realistically, the goal for zero waste is to avoid incineration entirely, and achieve a 90% reduction of waste going to landfills or other forms of disposal. International zero waste facility certification, by the TRUE standard of Green Business Certification, Inc. uses this 90% metric and follows the internationally peer-reviewed definition of Zero Waste, as defined by the Zero Waste International Alliance.

Maryland used to have a Zero Waste Plan, adopted under Governor O'Malley. The draft version explicitly adopted that accepted definition of Zero Waste. In a unanimously-passed resolution in May 2018, Baltimore City Council called for the adoption of this official definition of Zero Waste and the Zero Waste Hierarchy. Montgomery County has a Zero Waste Task Force and an "Aiming for Zero Waste" website. Prince George's County has a Zero Waste Initiative. Frederick County is also moving in this direction.

This bill would not mandate anything regarding Zero Waste, but just sets the internationally peer-reviewed definitions as a guiding state policy that counties and municipalities can look to for a common understanding of what Zero Waste means.

References:

Gov. O'Malley Administration's Maryland Zero Waste Plan (Draft):
https://mde.maryland.gov/programs/Marylander/Documents/Zero_Waste_Plan_Final_Draft_4.30.14.pdf
[See first paragraph of Executive Summary for reference to the accepted Zero Waste International Alliance's peer-reviewed definition of Zero Waste (since revised as presented in the second attachment).]

Prince George's County Zero Waste Initiative:
https://www.princegeorgescountymd.gov/2651/Zero-Waste-Initiative

Montgomery County Aiming for Zero Waste:
https://www.montgomerycountymd.gov/SWS/master-plan.html

Attachments:

1) HB 1032 as amended
2) Zero Waste Definition and Zero Waste Hierarchy

HOUSE BILL 1032

By: **Delegates Smith, R. Lewis, Lierman, and Mosby**
Introduced and read first time: February 5, 2020
Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Solid Waste Management – Refuse Disposal Systems – Guiding Policy, Incinerators, and Local Authority

FOR the purpose of establishing a guiding waste policy, prohibiting the Secretary of the Environment from issuing a permit to install, materially alter, or materially extend an incinerator for disposal of a solid waste stream, specifying that certain provisions of law do not limit certain authority of a political subdivision to regulate refuse disposal systems or solid waste, subject to a certain condition; making a stylistic change; and generally relating to solid waste management and refuse disposal systems.

BY repealing and reenacting, with amendments,
Article – Environment
Section 2-104, 9-101, 9–204.1
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY adding to
Article – Environment
Section 9-104, and 9–731 to be under the new part "Part IV. Refuse Disposal Systems and Solid Waste Regulation"
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:

Article – Environment

2-104.

(a) Adopting ordinances, rules, or regulations. –

(1) Except as provided in this **SUB**section, this title does not limit the power of a political subdivision to adopt ordinances, rules, or regulations that set emission standards or ambient air quality standards.

(2) A political subdivision may not adopt any ordinance, rule, or regulation that sets an emission standard or ambient air quality standard less stringent than the standards set by the Department under this title.

9-101.

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

"INCINERATOR" MEANS A FACILITY THAT, USING TEMPERATURES ABOVE 100 DEGREES CELSIUS, COMBUSTS, THERMALLY CONVERTS, OR PROCESSES MATERIAL INTO ANY COMBINATION OF ASH, SLAG, SYNGAS, FLUE GAS, AND/OR BURNABLE FUEL, WHETHER OR NOT HEAT OR ELECTRIC POWER ARE PRODUCED.

"ZERO WASTE" MEANS THE CONSERVATION OF ALL RESOURCES BY MEANS OF RESPONSIBLE PRODUCTION, CONSUMPTION, REUSE, AND RECOVERY OF PRODUCTS, PACKAGING, AND MATERIALS WITHOUT BURNING AND WITH NO DISCHARGES TO LAND, WATER, OR AIR THAT THREATEN THE ENVIRONMENT OR HUMAN HEALTH.

"ZERO WASTE HIERARCHY" MEANS A PROGRESSION OF METHODS, POLICIES AND STRATEGIES TO SUPPORT THE ZERO WASTE SYSTEM, FROM HIGHEST AND BEST TO LOWEST USE OF MATERIALS, WITHOUT INCINERATION, AS FOLLOWS (FROM HIGHEST TO LOWEST):

1) PRODUCT REDESIGN
2) SOURCE REDUCTION
3) SOURCE SEPARATION
4) REUSE
5) RECYCLING
6) COMPOSTING
7) MATERIAL RECOVERY
8) BIOLOGICAL TREATMENT
9) STABILIZED LANDFILLING

9-104.

IS IT THE GUIDING POLICY OF THE STATE OF MARYLAND TO FOLLOW THE ZERO WASTE HIERARCHY.

9-204.1.

The Secretary may not issue a permit to install, materially alter, or materially extend an incinerator for disposal of a solid waste stream**[**,**]** as defined in § 9–1701 of this title, **SOLID WASTE, MATERIALS SEPARATED FOR RECYCLING OR COMPOSTING, HAZARDOUS WASTE, RUBBLE, SPECIAL MEDICAL WASTE, OR ANY SOLID FUEL PRODUCED FROM SOLID WASTE[**, unless the county where the proposed incinerator is to be installed, materially altered, or materially extended has a recycling plan submitted and approved in accordance with § 9–505 of this title**]**.

9–729. RESERVED.

9–730. RESERVED.

PART IV. REFUSE DISPOSAL SYSTEMS AND SOLID WASTE REGULATION.

9–731.

(A) EXCEPT AS PROVIDED IN THIS PART, THIS TITLE DOES NOT LIMIT THE POWER OF A POLITICAL SUBDIVISION TO ADOPT ANY ORDINANCE, RESOLUTION, LAW, OR RULE TO REGULATE REFUSE DISPOSAL SYSTEMS OR SOLID WASTE.

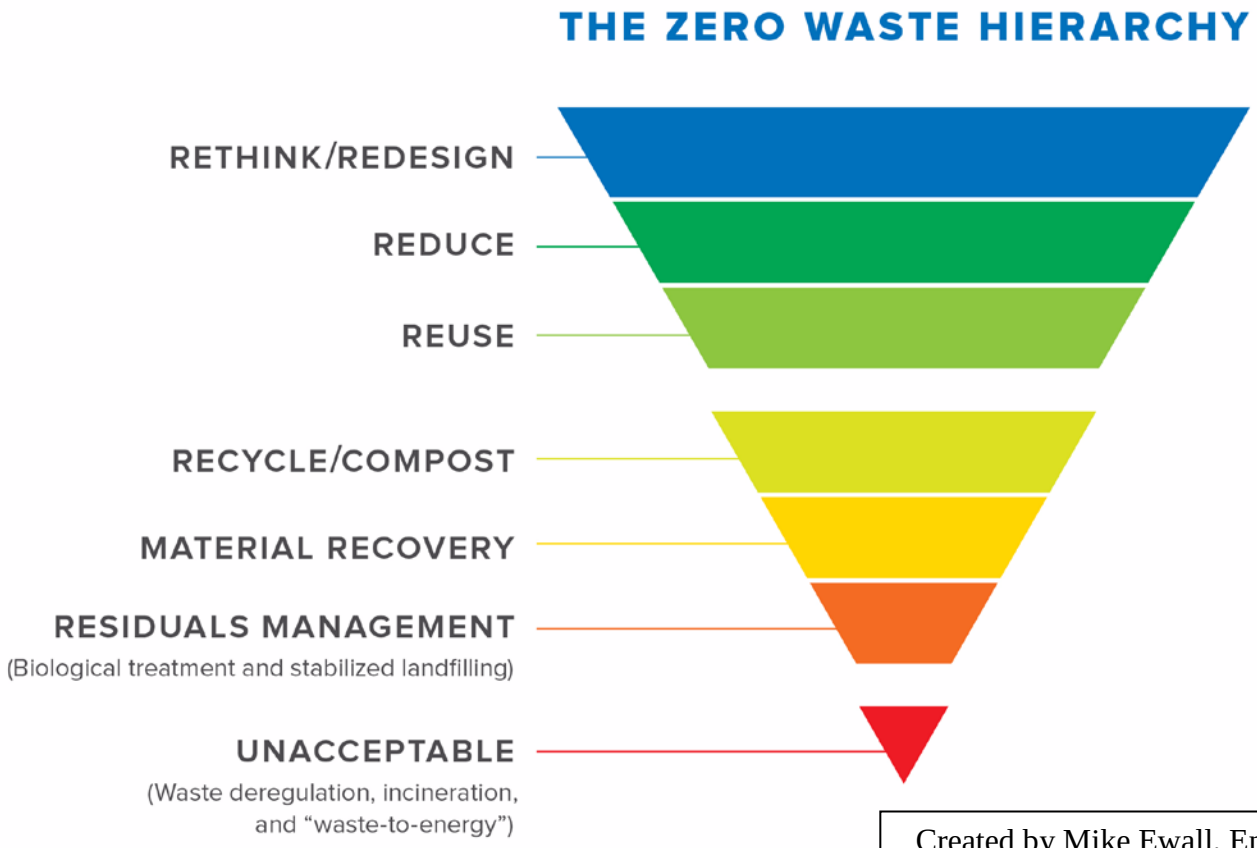
(B) A POLITICAL SUBDIVISION MAY NOT ADOPT ANY ORDINANCE, RESOLUTION, LAW, OR RULE TO REGULATE REFUSE DISPOSAL SYSTEMS OR SOLID WASTE IN A MANNER THAT IS LESS STRINGENT THAN THE STANDARDS SET BY THE DEPARTMENT UNDER THIS TITLE.

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

What is Zero Waste??

"Zero Waste is the conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning, and with no discharges to land, water, or air that threaten the environment or human health."

Peer-reviewed definition of Zero Waste, by the Zero Waste International Alliance
www.zwia.org/standards/zw-definition/



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OUTLINE VERSION:

Redesign
Reduce
Source Separate: (reusables, recycling, composting and trash)

- **Reuse / Repair**
- **Recycle** (multi-stream)
- **Compost** (aerobically compost clean organic materials like food scraps and yard waste to return to soils)
- **Waste:**
  - **Waste Composition Research** (examine trash to see how the system can be improved upstream)
  - **Material Recovery** (mechanically remove additional recyclables that people failed to separate)
  - **Biological Treatment** (composting or digestion of organic residuals to stabilize them)
  - **Stabilized Landfilling** (biological treatment reduces volume and avoids gas and odor problems)

FULL VERSION:

Redesign – make products durable, recyclable or compostable, and from sustainable / recycled materials

Reduce
- Toxics Use Reduction
  - Reduce amounts of toxic chemicals in production
  - Replace toxic chemicals with less toxic or non-toxic alternatives
- Consumption Reduction
  - Reduce pervasive advertising
  - Teach people to use less, to buy products with less packaging, and to avoid disposables and non-recyclables products
- Packaging Reduction
  - Includes polystyrene and PVC plastic bans and single-use paper/plastic bag bans and taxes

Source Separate:
- Avoid single stream (paper mixed with bottles/cans) and "one bin for all" (no source separation)
- Better separation = more valuable materials to market

Reuse & Repair
- Mandate deconstruction of buildings
- Thrift stores & charity collections
- Legalize wastepicking / dumpster diving
- Encourage discard exchanges like Freecycle
- Incentivize food recovery
- Paint recycling / exchange
- Repair centers for bikes, computers, furniture, appliances, etc.

Recycle
- Dual-stream recycling (paper separate from glass/metal/plastic) to a Material Recovery Facility
- Incentivize recycling through per-bag utility pricing, called "Pay As You Throw" (PAYT)
- Adopt a bottle deposit bill
- Buy recycled and create local markets for materials
- Seek the highest end-use and avoid "downcycling"
- Create recycling programs for electronic waste (e-Stewards certified), household hazardous wastes, etc.
- Residuals from recycling (that which can't be recycled at a MRF) jump down to the research step below

Compost
- Weekly curbside collection of recyclables and organics can be done while decreasing the collection of trash to every other week (what smells in trash is the compostables, so this encourages composting).
- Ban clean organics (not sewage sludge!) from landfills. Sewage sludge, even once digested, does not belong on farm fields or in urban gardens. Clean compost from food scraps and yard waste can be used in landscaping and non-food agriculture uses.

Research
- Do a regular waste sort to see what's left in the waste stream. Use Extended Producer Responsibility campaigns, product bans and other measures to eliminate remaining materials from the waste stream, ensuring that they're dealt with higher in the hierarchy.

Material Recovery
- For the remaining waste, mechanically pull out additional recyclables. This uses the sorting capability of a "Dirty MRF," or "Mixed Waste Processing" facility, but should never be a replacement for source separation, upstream recycling and composting, as it will get people out of good recycling habits and will degrade the quality of recyclables, lowering their value, and far less will actually be recycled.

Biological Treatment
- Stabilize organic material in the remaining residuals, using aerobic composting (or, to be more thorough, anaerobic digestion followed by aerobic composting to dry it out). This avoids having gassy and stinky landfills. Digestion removes the methane generating potential from the waste, and is the only so-called "waste-to-energy" component of a zero waste system.
- Digested residuals are too contaminated to be marketed as fertilizer or soil amendment.

Stabilized Landfilling – monofill the stabilized waste in separate landfill cells at existing landfills. Ensure proper landfill management (don't mismanage the landfill by managing it for energy production):
If disposing of the stabilized residuals in a conventional landfill full of decaying organic material, it's important to manage the landfill properly, as follows:
- Minimize gas production: Don't manage the landfill as an energy facility by stimulating gas production.
- Maximize gas collection:
- Clean the captured gas prior to use, by filtering toxins in the gas into a solid medium like a carbon filter, to be containerized and stored on-site.
- The purified gas can be used for industrial heating or heaving trucking purposes.
- Landfill gas-to-energy should not be considered renewable (That allows it to undercut clean sources like wind and solar and puts source reduction, reuse, recycling and composting at a competitive disadvantage.)

For more details on proper landfill management at the back end of the Zero Waste Hierarchy, see www.energyjustice.net/zerowaste/hierarchy and www.energyjustice.net/lfg