

HOUSE BILL 248

M3
HB 509/08 – ENV

9lr1066
CF SB 530

By: **Delegates Niemann, Ali, Carr, Frush, Glenn, Hammen, Hucker, Lafferty,
~~and Montgomery~~ **Montgomery, Holmes, Levi, Stein, and V. Clagett****

Introduced and read first time: January 29, 2009

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2009

CHAPTER _____

1 AN ACT concerning

2 **Task Force to Study ~~Required Deposits on Returnable Beverage Containers~~**
3 **Strategies to Reduce Solid Waste**

4 FOR the purpose of establishing the Task Force to Study ~~Required Deposits on~~
5 ~~Returnable Beverage Containers in the State~~ Strategies to Reduce Solid Waste;
6 providing for the membership of the Task Force; requiring the Governor to
7 designate the chair of the Task Force; requiring the Task Force to study certain
8 issues relevant to ~~requiring deposits on returnable beverage containers in the~~
9 ~~State~~ the management of solid waste processes in the State and strategies for
10 reducing, reusing, and recycling waste material; requiring the Task Force to
11 report its findings and recommendations to the Governor and the General
12 Assembly on or before a certain date; providing for reimbursement for expenses
13 for a member of the Task Force; providing for the staff of the Task Force;
14 providing for the termination of this Act; and generally relating to the
15 establishment of the Task Force to Study ~~Required Deposits on Returnable~~
16 ~~Beverage Containers in the State~~ Strategies to Reduce Solid Waste.

17 Preamble

18 WHEREAS, From 1960 to 2007, the amount of solid waste material that
19 Americans discarded increased from 2.7 pounds per person per day to 4.6 pounds per
20 person per day. This represents 254.1 million tons of discarded household trash a year.
21 Of this amount, 63.3 million tons were recycled, 21.7 million tons were composted,
22 31.9 million tons were burned, and 137.2 million tons were placed in landfills; and

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 WHEREAS, Landfills in Maryland and around the nation are rapidly filling,
2 with local residents increasingly reluctant to support new landfills or expand existing
3 ones; and

4 WHEREAS, The United States Environmental Protection Agency estimates
5 that all current landfills will be full in 20 years; and

6 WHEREAS, The use of landfills may be contributing to a wide range of
7 environmental problems, including climate change as a result of the release of carbon
8 dioxide and methane from organic materials placed in the landfills and pollution of
9 neighboring lands and waters; and

10 WHEREAS, The use of incinerators also has negative environmental
11 consequences as gases are released and other waste materials are generated; and

12 WHEREAS, It has been estimated that reducing or eliminating just the amount
13 of organic waste placed in landfills could produce a reduction in greenhouse gases
14 equal to the closing of more than 20% of the coal-fired power plants now in use; and

15 WHEREAS, Communities truck and ship solid waste ever greater distances,
16 encroaching on rural communities and generating increasing amounts of pollutants
17 and greenhouse gases, including the trucking of some Maryland waste to Virginia and
18 other states; and

19 WHEREAS, Recycling and reuse can reduce environmental impacts by
20 lessening the need for incinerators and landfills and by reducing the amount of energy
21 required to produce goods used by business and consumers; and

22 WHEREAS, The failure to reuse materials to the maximum extent possible
23 increases the long-term economic and environmental costs to consumers and
24 businesses as scarce raw materials and energy are used to replace products that can
25 be recycled; and

26 WHEREAS, The economic and environmental costs of end-of-life disposal of the
27 products we consume are real and often substantial. These costs should be considered
28 when we examine decisions related to the production, distribution, sale, and ultimate
29 disposal of products. These issues are particularly acute for products where potentially
30 hazardous or environmentally damaging materials are associated with the
31 manufacturing of the product, its packaging, and disposal; and

32 WHEREAS, There remain serious questions about the efficacy of current
33 approaches towards recycling and reuse, especially in regard to the best way to recycle
34 particular product categories, including questions related to the recycling of beverage
35 containers, glass, plastic, and organic matter; and

36 WHEREAS, There has been considerable progress in identifying new
37 approaches to the recycling of particular product categories, as well as alternative

ways to handle the solid waste stream since this subject was last examined in any detailed way; and

WHEREAS, The potential may exist for the use of waste products to generate energy in an environmentally friendly manner; and

WHEREAS, There is a need for a comprehensive strategy when it comes to reducing the solid waste stream, and the strategy should include an examination of ways to reduce solid waste at every stage of the product life cycle, as well as reuse, recycling, composting, increased producer responsibility, and the exploration of alternative uses for different parts of the waste stream; and

WHEREAS, There is considerable evidence that many of these strategies can also create new businesses and jobs and support the creation of new markets and industries in the State; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

~~(a) There is a Task Force to Study Required Deposits on Returnable Beverage Containers in the State.~~

~~(b) The Task Force consists of the following members:~~

~~(1) three members of the Senate of Maryland, appointed by the President of the Senate;~~

~~(2) three members of the House of Delegates, appointed by the Speaker of the House; and~~

~~(3) three county or municipal officials who have experience handling recyclable materials, appointed by the Governor.~~

~~(c) The Governor shall designate the chair of the Task Force.~~

~~(d) The Department of the Environment and the Department of Legislative Services jointly shall provide staff for the Task Force.~~

~~(e) A member of the Task Force:~~

~~(1) may not receive compensation as a member of the Task Force; but~~

~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.~~

~~(f) The Task Force shall study:~~

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~~(1) the costs, benefits, and feasibility of requiring deposits on returnable beverage containers in the State, including the effect this requirement would have on litter control and recycling activities;~~

~~(2) how other states have implemented similar legislation, familiarly known as bottle bills, and how effective this legislation has been in reducing litter and increasing rates of recycling;~~

~~(3) how to most effectively integrate a bottle bill into the current statewide recycling program;~~

~~(4) issues related to the establishment and operation of recyclable container redemption centers, including the optimum number and locations for these centers;~~

~~(5) mechanisms to defray the operating and capital costs to local governments of implementing a bottle bill;~~

~~(6) the types of containers that should be subject to a bottle bill;~~

~~(7) the financial and operational effect of a bottle bill on State retailers, especially in light of the experiences of other states; and~~

~~(8) any other issue that the Task Force considers relevant to the policy of requiring deposits on returnable beverage containers in the State.~~

~~(g) On or before December 31, 2009, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

(a) There is a Task Force to Study Strategies to Reduce Solid Waste.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of the Environment, or the Secretary's designee;

(4) a representative of a county government, appointed by the Executive Director of the Maryland Association of Counties;

(5) a representative of a municipal government, appointed by the Executive Director of the Maryland Municipal League;

1 (6) a representative from the Product Stewardship Institute,
2 appointed by the Executive Director of the Institute; and

3 (7) the following members, appointed by the Governor:

4 (i) three representatives of different businesses that specialize
5 in the handling of solid waste;

6 (ii) one representative of the Maryland Environmental Service;

7 (iii) one representative of the farming community;

8 (iv) one representative of retail industry;

9 (v) one representative of the bottling and beverage industry;

10 (vi) two representatives who are involved in the business of
11 recycling; and

12 (vii) three representatives of the public.

13 (c) The Governor shall designate the chair of the Task Force.

14 (d) The Department of the Environment shall provide staff for the Task
15 Force.

16 (e) A member of the Task Force:

17 (1) may not receive compensation as a member of the Task Force; but

18 (2) is entitled to reimbursement for expenses under the Standard
19 State Travel Regulations, as provided in the State budget.

20 (f) The Task Force shall:

21 (1) make a comprehensive examination of solid waste management
22 processes, including:

23 (i) the present practice for the disposal of waste materials,
24 including an examination of the current condition of the State's landfills, the use of
25 incinerators, and the effectiveness of recycling and reuse efforts;

26 (ii) the effectiveness of the Maryland Recycling Act (MRA) and
27 the Waste Diversion Rate, as well as the use and potential for expanding the State
28 Recycling Trust Fund;

29 (iii) waste management and environmental issues arising out of
30 specific categories of waste, including glass, plastics, metals, organic matter,

1 construction debris, packaging waste, electronics, and hazardous and potentially toxic
2 substances;

3 (iv) strategies being used elsewhere to reduce waste and its
4 related environmental consequences through product design and alternative
5 packaging, delivery, and disposal mechanisms;

6 (v) ways to encourage producer and manufacturer responsibility
7 in the waste management process, including an examination of the potential of
8 “Product Stewardship” initiatives underway at the national and local level;

9 (vi) alternative recycling and reuse strategies, and a comparison
10 of the climate and environmental impacts of the strategies, focused on specific
11 products, including yard waste, beverage containers, plastic bags, glass, hazardous
12 household waste, electronics, paint, oil filters, chemicals, pharmaceuticals, batteries,
13 tires, appliances, carpeting, and unused building materials;

14 (vii) the possibility of using different kinds of waste material to
15 generate energy in safe and environmentally friendly ways;

16 (viii) alternative uses for waste materials generated from
17 agricultural and manufacturing processes, as well as from household and
18 governmental actions; and

19 (ix) the overall environmental impacts of different strategies and
20 approaches toward handling the solid waste stream, including efforts to reduce those
21 impacts at earlier stages of the product lifecycle;

22 (2) identify the components of a comprehensive, cost-effective
23 Statewide Waste Stream Reduction Plan and identify specific suitable goals for
24 reducing the State’s various waste streams the lowest possible levels;

25 (3) identify components for a strategic plan that will transition the
26 State away from environmentally harmful ways of disposing of waste and toward ways
27 that minimize the size of the waste stream and its economic and environmental costs;

28 (4) determine the financial and operational components that must be
29 part of our waste stream reduction strategy at the State and local level;

30 (5) examine ways in which the costs associated with different parts of
31 the waste stream can more properly be allocated to those responsible for creating the
32 wastes involved, including “pay as you throw” charging and variable waste disposal
33 fees; and

34 (6) examine ways the costs associated with the waste stream can be
35 reduced or mitigated through the creation of new markets focusing on the recycling
36 and reuse of materials.

(g) (1) On or before December 31, 2009, the Task Force shall provide an interim report on its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

(2) On or before December 1, 2010, the Task Force shall provide a final report on its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009. It shall remain effective for a period of ~~7 months~~ 2 years and, at the end of ~~December 31, 2009~~ May 31, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.