

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 1049

(Senators Mathias and Astle)

Education, Health, and Environmental Affairs

Environmental Matters

Recycling - Apartment Buildings and Condominiums - Ocean City

This bill exempts a property owner or manager of an apartment building or a council of unit owners of a condominium in Ocean City from the recycling requirements of Chapters 191 and 192 of 2012 (SB 208/HB 1), which take effect October 1, 2014.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: Enforcement costs related to recycling may decrease in Ocean City. Future revenues may decrease in Ocean City from fewer penalties assessed on apartment buildings and condominiums for violations of Chapters 191 and 192 of 2012 that would occur in the absence of the bill.

Small Business Effect: Potential meaningful impact in Ocean City only.

Analysis

Current Law/Background: Chapters 191 and 192 of 2012 require the property owner or manager of an apartment building or the council of unit owners of a condominium containing 10 or more units to provide for the collection and removal of recyclable materials by October 1, 2014. In addition, a county may require these owners and managers to report to the county on recycling activities. The law establishes a penalty of \$50 for each day that recycling is not provided for or carried out in accordance with the county recycling plan. Enforcement of the law, including the authority to conduct inspections, is to be provided by a local government, and any penalties collected are paid

to the jurisdiction that brought the enforcement action. Effective October 1, 2013, each county must address these requirements in its currently required recycling plan.

The Maryland Department of the Environment (MDE) promotes and encourages waste diversion across the State. Waste diversion combines both recycling and source-reduction activities. The Maryland Recycling Act, as amended by Chapter 692 of 2012 (HB 929), requires all counties and Baltimore City to recycle 20% or 35% of their waste generated, depending on population. Additionally, Chapter 692 established a new statewide recycling rate goal of 55% and a waste diversion rate goal of 60% by 2020.

Counties have flexibility to determine the best way to reach the required recycling rates. The county recycling plan, revised on a triennial basis, must address specified issues such as the feasibility of composting mixed solid waste, methods for the separate collection and composting of yard waste, and methods of financing county recycling efforts, among other issues. Chapters 264 and 265 of 2009 (SB 473/HB 1290) added to this list a strategy for collecting, processing, marketing, and disposing of recyclable materials from county public schools, and Chapter 430 of 2010 (HB 685) added to this list a strategy for the collection and recycling of fluorescent lights containing mercury.

The State Recycling Trust Fund within MDE is used to provide grants to counties and municipalities to support local recycling activities and now comprises primarily computer manufacturer registration fees under the State's electronic waste recycling law.

According to MDE, curbside recycling collection services is currently provided by Baltimore City and nine counties: Anne Arundel, Baltimore, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties. Of these jurisdictions, MDE reports that only Baltimore, Cecil, and Harford counties provide curbside recycling collection services to apartments and condominiums, while Howard County provides collection to some condominiums, and Prince George's County reimburses condominiums for curbside collection. Finally, MDE reports that Prince George's and Montgomery counties require recycling to be provided by multi-family residences. According to Ocean City, nearly all of its municipal solid waste is transported to a waste-to-energy facility in Pennsylvania for incineration and disposal. The town does not operate a curbside recycling program.

Small Business Effect: Costs decrease for owners or managers of affected apartment buildings and councils of unit owners of condominiums in Ocean City, which are exempt under the bill. Currently, these owners or managers may need to contract with waste and recycling contractors for the collection and removal of recyclable materials beginning October 1, 2014, which increases costs unless fully offset by savings associated with reduced solid waste disposal costs and revenues from the sale of recyclable materials. Small business recycling contractors and solid waste haulers operating in Ocean City may

experience a change in the future demand for their services than otherwise would occur under Chapters 191 and 192 of 2012.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Carroll, County, Harford, Montgomery, and Queen Anne's counties; Maryland Department of the Environment; Town of Ocean City; Department of Legislative Services

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