

# HOUSE BILL 240

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SB 799/13 – FIN & EHE

4r1103  
CF SB 56

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By: **Delegate Lafferty**

Introduced and read first time: January 17, 2014

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 27, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Solid Waste Management Practices – Maryland Recycling and**  
3 **Landfill Diversion Task Force**

4 FOR the purpose of ~~requiring~~ authorizing each county and the Department of the  
5 Environment to adopt a certain solid waste management hierarchy; declaring  
6 the intent of the General Assembly that the State undertake certain actions  
7 relating to recycling and landfill disposal rates; establishing the Maryland  
8 Recycling and Landfill Diversion Task Force; providing for the composition,  
9 cochairs, and staffing of the Task Force; prohibiting a member of the Task Force  
10 from receiving certain compensation, but authorizing the reimbursement of  
11 certain expenses; requiring the Task Force to determine the aspirational  
12 statewide recycling goal and a recycling and landfill diversion portfolio standard  
13 that will reduce the amount of solid waste being sent to landfills; specifying  
14 certain duties of the Task Force; requiring the Task Force to report its findings  
15 and recommendations to the Governor and the General Assembly on or before  
16 certain dates; providing for the termination of the Task Force; specifying certain  
17 findings of the General Assembly; making conforming changes; and generally  
18 relating to the establishment of a recycling and landfill diversion portfolio  
19 standard and the establishment of the Maryland Recycling and Landfill  
20 Diversion Task Force.

21 BY repealing and reenacting, with amendments,  
22 Article – Environment  
23 Section 9–504  
24 Annotated Code of Maryland

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### 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.



(2007 Replacement Volume and 2013 Supplement)

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

**Article – Environment**

9–504.

(a) To the extent that the incorporation will promote the public health, safety, and welfare, each county plan shall incorporate all or part of the subsidiary plans of each town, municipal corporation, sanitary district, privately owned facility, or local, State, or federal agency that has existing or planned development in that county.

**(B) (1) THE GENERAL ASSEMBLY FINDS THAT:**

**(i) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS RANKED THE MOST ENVIRONMENTALLY SOUND STRATEGIES FOR SOLID WASTE; AND**

**(ii) THE FOLLOWING SOLID WASTE MANAGEMENT PRACTICES ARE LISTED IN ORDER OF PREFERENCE:**

- 1. SOURCE REDUCTION, INCLUDING REUSE;**
- 2. RECYCLING, INCLUDING COMPOSTING AND ANAEROBIC DIGESTION;**
- 3. ENERGY RECOVERY; AND**
- 4. TREATMENT AND DISPOSAL.**

**(2) EACH COUNTY AND THE DEPARTMENT ~~SHALL~~ MAY ADOPT ~~THE A~~ SOLID WASTE MANAGEMENT HIERARCHY CONSISTENT WITH THAT OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.**

**[(b)] (C)** If the governing body of each county that is affected adopts a subsidiary plan for a multicounty area, the county may incorporate in its county plan all or part of the subsidiary plan.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State:

- (a) set an aspirational statewide recycling goal;

- 1 (b) mandate minimum recycling rates and maximum landfill disposal rates;
- 2 (c) in the development of recycling and landfill disposal rate requirements,  
3 consider a rate structure that:
- 4 (1) accounts for differences in the population of the counties; and
- 5 (2) includes municipal corporations;
- 6 (d) assist counties and municipal corporations in meeting recycling and  
7 landfill disposal rate requirements by:
- 8 (1) stimulating business opportunities and the development of the  
9 waste management industry;
- 10 (2) identifying appropriate methods of funding for counties and  
11 municipal corporations; and
- 12 (3) identifying appropriate incentives; and
- 13 (e) consider imposing ~~penalties, including a~~ disincentives, which may include  
14 a system of compliance fee fees, on counties for noncompliance with the recycling and  
15 landfill disposal rate requirements, taking into consideration appropriate exemptions  
16 from the ~~penalties~~ disincentives and appropriate uses of ~~the funding~~ any revenue.

17 SECTION 3. AND BE IT FURTHER ENACTED, That:

- 18 (a) There is a Maryland Recycling and Landfill Diversion Task Force.
- 19 (b) The Task Force consists of the following ~~18~~ 20 21 members:
- 20 (1) one member of the Senate of Maryland, appointed by the President  
21 of the Senate;
- 22 (2) one member of the House of Delegates, appointed by the Speaker of  
23 the House;
- 24 (3) the Director of the Maryland Energy Administration, or the  
25 Director's designee;
- 26 (4) the Secretary of the Environment, or the Secretary's designee;
- 27 (5) the Executive Director of the Northeast Maryland Waste Disposal  
28 Authority, or the Executive Director's designee;
- 29 (6) the Executive Director of the Maryland Association of Counties, or  
30 the Executive Director's designee;

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1 (7) one representative of a county with a population of 150,000 or  
2 more, as designated by the Maryland Association of Counties;

3 (8) one representative of a county with a population under 150,000, as  
4 designated by the Maryland Association of Counties;

5 (9) the Executive Director of the Maryland Municipal League, or the  
6 Executive Director's designee;

7 (10) the Director of the Maryland Environmental Service, or the  
8 Director's designee;

9 (11) the Secretary of Business and Economic Development, or the  
10 Secretary's designee; and

11 (12) one member from each of the following organizations, as  
12 designated by the managing director of each organization:

13 (i) American Forest and Paper Association;

14 (ii) Sustainable Materials Recovery Coalition;

15 (iii) America Biogas Council;

16 (iv) The Peninsula Compost Group;

17 (v) US Composting Council;

18 (vi) Maryland–Delaware Solid Waste Association;

19 ~~(vi)~~ (vii) Trash Free Maryland; ~~and~~

20 ~~(vii)~~ (viii) Chesapeake Climate Action Network; ~~and~~

21 (ix) Maryland Retailers Association; and

22 (x) Maryland Recycling Network.

23 (c) The President of the Senate and the Speaker of the House shall jointly  
24 appoint the members under subsection (b)(12) of this section.

25 (d) To the extent practicable, the members under subsection (b)(12) of this  
26 section shall be from an organization or a member company of the organization that  
27 operates or has an interest in operating in Maryland.

1 (e) The Task Force shall be cochaired by the members from the Senate of  
2 Maryland and the House of Delegates.

3 (f) The Department of the Environment shall provide staff for the Task  
4 Force.

5 (g) A member of the Task Force:

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

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

9 (h) The Task Force shall:

10 (1) determine whether the aspirational statewide recycling goal of 80%  
11 should be set in statute based on the recycling achievements of other states and  
12 countries;

13 (2) determine a recycling and landfill diversion portfolio standard that  
14 will reduce the amount of solid waste being sent to landfills;

15 (3) determine, based on the viability of a recycling and waste  
16 management industry in each county, whether recycling rate and landfill disposal rate  
17 requirements should be uniform for:

18 (i) all counties with a population of 150,000 and over; and

19 (ii) all counties with a population under 150,000;

20 (4) consider ~~as a possible recycling and landfill diversion portfolio~~  
21 ~~standard;~~

22 ~~(i) for counties with a population of 150,000 or more, minimum~~  
23 ~~recycling rates beginning with 35% in 2016 and reaching 60% by 2020 and thereafter;~~

24 ~~(ii) for counties with a population of less than 150,000,~~  
25 ~~minimum recycling rates beginning with 20% in 2016 and reaching 60% by 2036 and~~  
26 ~~thereafter;~~

27 ~~(iii) for counties with a population of 150,000 or more, maximum~~  
28 ~~landfill disposal rates beginning with 65% of the solid waste stream in 2016 and~~  
29 ~~reaching 5% by 2020; and~~

30 ~~(iv) for counties with a population of less than 150,000,~~  
31 ~~maximum landfill disposal rates beginning with 80% of the solid waste stream in 2016~~  
32 ~~and reaching 5% by 2036 appropriate and realistically achievable minimum recycling~~

1 rates and maximum landfill disposal rates that could be incorporated into the  
2 recycling and landfill diversion portfolio for counties with a population of 150,000 or  
3 more and counties with a population less than 150,000, respectively;

4 (5) determine how solid waste is currently being handled by collecting  
5 and analyzing solid waste data from counties, municipal corporations, and  
6 nonresidential entities that may contribute to the county's solid waste stream and  
7 from private waste haulers and recyclers in Maryland;

8 (6) determine the appropriate definition of "solid waste" that should be  
9 incorporated into a recycling and landfill diversion portfolio standard;

10 (7) evaluate how a recycling and landfill diversion portfolio standard  
11 will affect current recycling plan and comprehensive solid waste plan requirements  
12 and processes, and recommend how to incorporate the recycling and waste diversion  
13 requirements of the standard into the plans and an appropriate incorporation  
14 timeline;

15 (8) determine how to integrate the recycling and waste management  
16 efforts in municipal corporations into county recycling and landfill waste diversion  
17 plans;

18 (9) evaluate and identify county recycling and waste diversion  
19 infrastructure needed to comply with a recycling and landfill diversion portfolio  
20 standard, including potential siting issues;

21 (10) determine how a recycling and landfill diversion portfolio standard  
22 would apply to counties that have existing landfill debt;

23 (11) review best practices in other states and countries for achieving  
24 recycling goals to determine whether those practices could be used to assist counties in  
25 achieving recycling goals in Maryland;

26 (12) determine whether new and emerging technologies in the waste  
27 management industry may assist counties in achieving a recycling and landfill  
28 diversion portfolio standard;

29 (13) determine how the Department of Business and Economic  
30 Development may assist in stimulating business opportunities and development in the  
31 ~~waste management~~ industry of reusing, recycling, composting, and otherwise  
32 managing waste in ways that would assist counties in achieving a recycling and  
33 landfill diversion portfolio standard;

34 (14) identify appropriate methods of providing funding for counties and  
35 municipal corporations to achieve a recycling and landfill diversion portfolio standard,  
36 including how any State funds would be calculated to incentivize counties to meet the  
37 requirements of the recycling and landfill waste diversion requirements;

1 (15) consider allowing municipal corporations to be eligible to receive  
2 funds from the State Recycling Fund or from any other State aid that are available to  
3 assist a municipal corporation in increasing recycling rates, if the municipal  
4 corporation cooperates with the county to achieve the minimum recycling rates and  
5 the maximum landfill disposal rates and the municipal corporation participates and is  
6 included in the development and implementation of the county's recycling and landfill  
7 waste diversion plan;

8 (16) consider requiring any recycling rate requirement to be adjusted  
9 for noninclusion of a municipal corporation that does not cooperate with the county to  
10 achieve the minimum recycling rates or that does not participate and is not included  
11 in the development and implementation of the county's recycling and landfill waste  
12 diversion plan;

13 (17) determine whether it would be appropriate to impose a  
14 disincentive such as a system of compliance ~~fee~~ fees on a county that fails to achieve  
15 the applicable solid waste recycling and landfill waste diversion requirements and, if a  
16 system of compliance ~~fee is~~ fees were determined to be appropriate:

17 (i) consider whether the and how any compliance fee should be  
18 adjusted ~~each year based on an inflationary index, calculated on a per-ton basis, and~~  
19 ~~increase each year as~~ for changes in the recycling and landfill waste diversion  
20 requirements ~~increase~~;

21 (ii) consider the impact of the imposition of a compliance fee on  
22 a county that fails to achieve the applicable solid waste recycling rate or exceeds the  
23 applicable landfill disposal rate;

24 (iii) determine the use of the compliance fees or ~~potential~~  
25 ~~penalties disincentives~~, including depositing the revenue in the State Recycling Fund  
26 for providing grants and other assistance to counties and municipal corporations; and

27 (iv) determine whether an exemption from compliance fees or  
28 ~~other potential penalties disincentives~~ disincentives would be appropriate for counties:

- 29 1. that have existing landfill debt;
- 30 2. that have adequate justification for an alternative  
31 recycling rate or landfill disposal rate;
- 32 3. when State funds are not provided to all counties; or
- 33 4. when the Governor has declared a state of emergency  
34 due to a disaster;

1 (18) examine whether other forms of incentives ~~or potential penalties~~  
 2 and disincentives should be considered in order for counties and municipal  
 3 corporations to meet the requirements of the recycling and landfill waste diversion  
 4 requirements; and

5 (19) determine any other changes to State law that the Task Force  
 6 deems appropriate to implement the recycling and landfill diversion portfolio  
 7 standard.

8 (i) (1) Except as provided in paragraph (2) of this subsection, on or before  
 9 December 31, 2014, the Task Force shall report its findings and recommendations,  
 10 including legislation, to the Governor and, in accordance with § 2–1246 of the State  
 11 Government Article, the General Assembly.

12 (2) If the Task Force has not completed its work on or before  
 13 December 31, 2014, the Task Force shall report to the Governor and, in accordance  
 14 with § 2–1246 of the State Government Article, the General Assembly:

15 (i) on or before December 31, 2014, its preliminary findings and  
 16 recommendations; and

17 (ii) on or before December 31, 2015, its final findings and  
 18 recommendations, including legislation.

19 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall  
 20 take effect June 1, 2014. It shall remain effective for a period of 1 year and 7 months,  
 21 and at the end of December 31, 2015, with no further action required by the General  
 22 Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.

23 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in  
 24 Section 4 of this Act, this Act shall take effect October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.