

HOUSE BILL 240

M3
SB 799/13 – FIN & EHE

4r1103
CF SB 56

By: **Delegate Lafferty**

Introduced and read first time: January 17, 2014

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring each county and the Department of the Environment to
5 adopt a certain solid waste management hierarchy; declaring the intent of the
6 General Assembly that the State undertake certain actions relating to recycling
7 and landfill disposal rates; establishing the Maryland Recycling and Landfill
8 Diversion Task Force; providing for the composition, cochairs, and staffing of
9 the Task Force; prohibiting a member of the Task Force from receiving certain
10 compensation, but authorizing the reimbursement of certain expenses;
11 requiring the Task Force to determine the aspirational statewide recycling goal
12 and a recycling and landfill diversion portfolio standard that will reduce the
13 amount of solid waste being sent to landfills; specifying certain duties of the
14 Task Force; requiring the Task Force to report its findings and
15 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
25 (2007 Replacement Volume and 2013 Supplement)

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

28 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-504.

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

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

8 (I) THE UNITED STATES ENVIRONMENTAL PROTECTION
9 AGENCY HAS RANKED THE MOST ENVIRONMENTALLY SOUND STRATEGIES FOR
10 SOLID WASTE; AND

11 (II) THE FOLLOWING SOLID WASTE MANAGEMENT
12 PRACTICES ARE LISTED IN ORDER OF PREFERENCE:

13 1. SOURCE REDUCTION, INCLUDING REUSE;

14 2. RECYCLING, INCLUDING COMPOSTING AND
15 ANAEROBIC DIGESTION;

16 3. ENERGY RECOVERY; AND

17 4. TREATMENT AND DISPOSAL.

18 (2) EACH COUNTY AND THE DEPARTMENT SHALL ADOPT THE
19 SOLID WASTE MANAGEMENT HIERARCHY OF THE UNITED STATES
20 ENVIRONMENTAL PROTECTION AGENCY.

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

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

26 (a) set an aspirational statewide recycling goal;

27 (b) mandate minimum recycling rates and maximum landfill disposal rates;

28 (c) in the development of recycling and landfill disposal rate requirements,
29 consider a rate structure that:

30 (1) accounts for differences in the population of the counties; and

1 (2) includes municipal corporations;

2 (d) assist counties and municipal corporations in meeting recycling and
3 landfill disposal rate requirements by:

4 (1) stimulating business opportunities and the development of the
5 waste management industry;

6 (2) identifying appropriate methods of funding for counties and
7 municipal corporations; and

8 (3) identifying appropriate incentives; and

9 (e) consider imposing penalties, including a compliance fee, on counties for
10 noncompliance with the recycling and landfill disposal rate requirements, taking into
11 consideration appropriate exemptions from the penalties and appropriate uses of the
12 funding.

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

14 (a) There is a Maryland Recycling and Landfill Diversion Task Force.

15 (b) The Task Force consists of the following 18 members:

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

18 (2) one member of the House of Delegates, appointed by the Speaker of
19 the House;

20 (3) the Director of the Maryland Energy Administration, or the
21 Director's designee;

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

23 (5) the Executive Director of the Northeast Maryland Waste Disposal
24 Authority, or the Executive Director's designee;

25 (6) the Executive Director of the Maryland Association of Counties, or
26 the Executive Director's designee;

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

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

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

3 (10) the Director of the Maryland Environmental Service, or the
4 Director's designee;

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

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

9 (i) American Forest and Paper Association;

10 (ii) Sustainable Materials Recovery Coalition;

11 (iii) America Biogas Council;

12 (iv) The Peninsula Compost Group;

13 (v) Maryland–Delaware Solid Waste Association;

14 (vi) Trash Free Maryland; and

15 (vii) Chesapeake Climate Action Network.

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

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

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

23 (f) The Department of the Environment shall provide staff for the Task
24 Force.

25 (g) A member of the Task Force:

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

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

1 (h) The Task Force shall:

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

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

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

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

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

12 (4) consider as a possible recycling and landfill diversion portfolio
13 standard:

14 (i) for counties with a population of 150,000 or more, minimum
15 recycling rates beginning with 35% in 2016 and reaching 60% by 2029 and thereafter;

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

19 (iii) for counties with a population of 150,000 or more, maximum
20 landfill disposal rates beginning with 65% of the solid waste stream in 2016 and
21 reaching 5% by 2029; and

22 (iv) for counties with a population of less than 150,000,
23 maximum landfill disposal rates beginning with 80% of the solid waste stream in 2016
24 and reaching 5% by 2036;

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

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

31 (7) evaluate how a recycling and landfill diversion portfolio standard
32 will affect current recycling plan and comprehensive solid waste plan requirements
33 and processes, and recommend how to incorporate the recycling and waste diversion

1 requirements of the standard into the plans and an appropriate incorporation
2 timeline;

3 (8) determine how to integrate the recycling and waste management
4 efforts in municipal corporations into county recycling and landfill waste diversion
5 plans;

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

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

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

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

17 (13) determine how the Department of Business and Economic
18 Development may assist in stimulating business opportunities and development in the
19 waste management industry in ways that would assist counties in achieving a
20 recycling and landfill diversion portfolio standard;

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

25 (15) consider allowing municipal corporations to be eligible to receive
26 funds from the State Recycling Fund or from any other State aid that are available to
27 assist a municipal corporation in increasing recycling rates, if the municipal
28 corporation cooperates with the county to achieve the minimum recycling rates and
29 the maximum landfill disposal rates and the municipal corporation participates and is
30 included in the development and implementation of the county's recycling and landfill
31 waste diversion plan;

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

1 (17) determine whether it would be appropriate to impose a compliance
2 fee on a county that fails to achieve the applicable solid waste recycling and landfill
3 waste diversion requirements and, if a compliance fee is determined to be appropriate:

4 (i) consider whether the compliance fee should be adjusted each
5 year based on an inflationary index, calculated on a per ton basis, and increase each
6 year as the recycling and landfill waste diversion requirements increase;

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

10 (iii) determine the use of the compliance fees or potential
11 penalties, including depositing the revenue in the State Recycling Fund for providing
12 grants and other assistance to counties and municipal corporations; and

13 (iv) determine whether an exemption from compliance fees or
14 other potential penalties would be appropriate for counties:

- 15 1. that have existing landfill debt;
- 16 2. that have adequate justification for an alternative
17 recycling rate or landfill disposal rate;
- 18 3. when State funds are not provided to all counties; or
- 19 4. when the Governor has declared a state of emergency
20 due to a disaster;

21 (18) examine whether other forms of incentives or potential penalties
22 should be considered in order for counties and municipal corporations to meet the
23 requirements of the recycling and landfill waste diversion requirements; and

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

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

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

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

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

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

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