

SENATE BILL 781

M3, L1

4lr0335

By: **Senators Montgomery, Feldman, Jones-Rodwell, Madaleno, Pugh, Stone, and Young**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 **Environment – Recycling – ~~Public and Commercial Buildings, Special Events,~~**
3 **~~and Single Family Residences~~**

4 FOR the purpose of requiring a county to address the collection and recycling of
5 recyclable materials from ~~public and commercial buildings and~~ special events in
6 the county's recycling plan; ~~requiring a county to address a strategy for~~
7 ~~providing single stream, curbside recycling collection services to certain~~
8 ~~residences by a certain date in its recycling plan;~~ requiring a county to revise its
9 recycling plan by a certain date to address certain requirements of this Act;
10 ~~requiring the State government recycling plan to provide for the placement of a~~
11 ~~recycling receptacle immediately adjacent to each trash receptacle in~~
12 ~~State owned or State operated buildings; altering the date by which State~~
13 ~~agencies and units of State government are required to implement a certain~~
14 ~~recycling plan; requiring a certain public or commercial building to subscribe to~~
15 ~~a basic level of recycling service and to provide a recycling receptacle meeting~~
16 ~~certain requirements immediately adjacent to each trash receptacle located on~~
17 ~~the property of the public or commercial building; providing that a county may~~
18 ~~require a property owner or manager of a certain commercial building to report~~
19 ~~to the county on recycling activities in a certain manner; requiring that~~
20 ~~recycling required for a public or commercial building be carried out in~~
21 ~~accordance with a certain county recycling plan;~~ requiring the organizer of a
22 certain special event to provide a recycling receptacle meeting certain
23 requirements immediately adjacent to each trash receptacle at the special
24 event; requiring the organizer of a certain special event to ensure that certain

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 recyclable materials are collected for recycling; providing that a county may
 2 require the organizer of a certain special event to report to the county on
 3 recycling activities in a certain manner; requiring that recycling required for a
 4 special event be carried out in accordance with a certain county recycling plan;
 5 establishing a certain penalty; providing for the enforcement of certain
 6 provisions of this Act; providing for the disposition of certain civil penalties
 7 collected under this Act; defining certain terms; and generally relating to
 8 recycling.

9 BY repealing and reenacting, ~~with~~ without amendments,
 10 Article – Environment
 11 Section ~~9–1701~~ 9–1701(a) and (m) through (o)
 12 Annotated Code of Maryland
 13 (2007 Replacement Volume and 2013 Supplement)
 14 (As enacted by Chapter 686 of the Acts of the General Assembly of 2013)

15 BY repealing and reenacting, with amendments,
 16 Article – Environment
 17 Section ~~9–1703 and 9–1706~~
 18 Annotated Code of Maryland
 19 (2007 Replacement Volume and 2013 Supplement)

20 BY adding to
 21 Article – Environment
 22 Section ~~9–1712 and 9–1713~~
 23 Annotated Code of Maryland
 24 (2007 Replacement Volume and 2013 Supplement)

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

27 **Article – Environment**

28 9–1701.

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

30 ~~(b) “Compost” means the product of composting in accordance with the~~
 31 ~~standards established by the Secretary of Agriculture under § 6–221 of the Agriculture~~
 32 ~~Article.~~

33 ~~(c) “Composting” means the controlled aerobic biological decomposition of~~
 34 ~~organic waste material in accordance with the standards established by the Secretary~~
 35 ~~under this title.~~

36 ~~(d) (1) “Composting facility” means a facility where composting takes~~
 37 ~~place.~~

1 (2) ~~“Composting facility” does not include a facility that is required to~~
2 ~~obtain:~~

3 (1) ~~A natural wood waste recycling facility permit in accordance~~
4 ~~with this title;~~

5 (2) ~~A sewage sludge utilization permit in accordance with this~~
6 ~~title; or~~

7 (3) ~~A refuse disposal permit in accordance with this title.~~

8 (e) (1) ~~“Computer” means a desktop personal computer or laptop~~
9 ~~computer, including the computer monitor.~~

10 (2) ~~“Computer” does not include:~~

11 (1) ~~A personal digital assistant device;~~

12 (2) ~~A computer peripheral device, including:~~

13 1. ~~A mouse or other similar pointing device;~~

14 2. ~~A printer; or~~

15 3. ~~A detachable keyboard.~~

16 (f) (1) ~~“Covered electronic device” means a computer or video display~~
17 ~~device with a screen that is greater than 4 inches measured diagonally.~~

18 (2) ~~“Covered electronic device” does not include a video display device~~
19 ~~that is part of a motor vehicle or that is contained within a household appliance or~~
20 ~~commercial, industrial, or medical equipment.~~

21 (g) ~~“Covered electronic device takeback program” means a program,~~
22 ~~established by a covered electronic device manufacturer or a group of covered~~
23 ~~electronic device manufacturers, for the collection and recycling, refurbishing, or reuse~~
24 ~~of a covered electronic device labeled with the name of the manufacturer or the~~
25 ~~manufacturer’s brand label, including:~~

26 (1) ~~Providing, at no cost to the returner, a method of returning a~~
27 ~~covered electronic device to the manufacturer, including postage paid mailing~~
28 ~~packages or designated collection points throughout the State;~~

29 (2) ~~Contracting with a recycler, local government, other manufacturer,~~
30 ~~or any other person; or~~

1 ~~(3) Any other program approved by the Department.~~

2 ~~(h) "Director" means the Director of the Office of Recycling.~~

3 ~~(i) "Manufacturer" means a person that is the brand owner of a covered~~
4 ~~electronic device sold or offered for sale in the State, by any means, including~~
5 ~~transactions conducted through sales outlets, catalogs, or the Internet.~~

6 ~~(j) (1) "Natural wood waste" means tree and other natural vegetative~~
7 ~~refuse.~~

8 ~~(2) "Natural wood waste" includes tree stumps, brush and limbs, root~~
9 ~~mats, logs, and other natural vegetative material.~~

10 ~~(k) (1) "Natural wood waste recycling facility" means a facility where~~
11 ~~recycling services for natural wood waste are provided.~~

12 ~~(2) "Natural wood waste recycling facility" does not include a collection~~
13 ~~or processing facility operated by:~~

14 ~~(i) A nonprofit or governmental organization located in the~~
15 ~~State; or~~

16 ~~(ii) A single individual or business that provides recycling~~
17 ~~services for its own employees or for its own recyclable materials generated on its own~~
18 ~~premises.~~

19 ~~(l) "Office" means the Office of Recycling within the Department.~~

20 (m) "Recyclable materials" means those materials that:

21 (1) Would otherwise become solid waste for disposal in a refuse
22 disposal system; and

23 (2) May be collected, separated, composted, or processed and returned
24 to the marketplace in the form of raw materials or products.

25 (n) (1) "Recycling" means any process in which recyclable materials are
26 collected, separated, or processed and returned to the marketplace in the form of raw
27 materials or products.

28 (2) "Recycling" includes composting.

29 (o) "Recycling services" means the services provided by persons engaged in
30 the business of recycling, including the collection, processing, storage, purchase, sale,
31 or disposition of recyclable materials.

1 ~~(p)~~ ~~“Resource recovery facility” means a facility in existence as of January 1,~~
2 ~~1988 that:~~

3 ~~(1)~~ ~~Processes solid waste to produce valuable resources, including~~
4 ~~steam, electricity, metals, or refuse derived fuel; and~~

5 ~~(2)~~ ~~Achieves a volume reduction of at least 50 percent of its solid waste~~
6 ~~stream.~~

7 ~~(q)~~ ~~“SINGLE STREAM” MEANS A SYSTEM IN WHICH ALL RECYCLABLE~~
8 ~~MATERIALS ARE COMMINGLED FOR COLLECTION INTO A SINGLE CONTAINER~~
9 ~~INSTEAD OF BEING SORTED INTO SEPARATE COMMODITIES AND MULTIPLE~~
10 ~~CONTAINERS.~~

11 ~~[(q)] (R)~~ ~~(1)~~ ~~“Solid waste stream” means garbage or refuse that would,~~
12 ~~unless recycled, be disposed of in a refuse disposal system.~~

13 ~~(2)~~ ~~“Solid waste stream” includes organic material capable of being~~
14 ~~composted that is not composted in accordance with regulations adopted under §~~
15 ~~9-1725(b) of this subtitle.~~

16 ~~(3)~~ ~~“Solid waste stream” does not include:~~

17 ~~(i)~~ ~~Hospital waste;~~

18 ~~(ii)~~ ~~Rubble;~~

19 ~~(iii)~~ ~~Scrap material;~~

20 ~~(iv)~~ ~~Land clearing debris;~~

21 ~~(v)~~ ~~Sewage sludge; or~~

22 ~~(vi)~~ ~~Waste generated by a single individual or business and~~
23 ~~disposed of in a facility dedicated solely for that entity’s waste.~~

24 ~~[(r)] (S)~~ ~~(1)~~ ~~“Video display device” means an electronic device with an~~
25 ~~output surface that displays or is capable of displaying moving graphical images or~~
26 ~~visual representations of image sequences or pictures that show a number of quickly~~
27 ~~changing images on a screen to create the illusion of motion.~~

28 ~~(2)~~ ~~“Video display device” includes a device that is an integral part of~~
29 ~~the display and cannot easily be removed from the display by the consumer and that~~
30 ~~produces the moving image on the screen.~~

1 ~~(3) A video display device may use a cathode ray tube (CRT), liquid~~
 2 ~~crystal display (LCD), gas plasma, digital light processing, or other image projection~~
 3 ~~technology.~~

4 ~~[(e)] (T) "White goods" includes:~~

5 ~~(1) Refrigerators;~~

6 ~~(2) Stoves;~~

7 ~~(3) Washing machines;~~

8 ~~(4) Dryers;~~

9 ~~(5) Water heaters; and~~

10 ~~(6) Air conditioners.~~

11 ~~[(t)] (U) (1) "Yard waste" means organic plant waste derived from~~
 12 ~~gardening, landscaping, and tree trimming activities.~~

13 ~~(2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds,~~
 14 ~~and prunings.~~

15 9-1703.

16 (a) Each county shall submit a recycling plan to the Secretary for approval
 17 when the county submits its county plan to the Secretary in accordance with the
 18 provisions of § 9-505 of this title.

19 (b) In preparing the recycling plan as required in § 9-505 of this title, the
 20 county shall address:

21 (1) Methods to meet the solid waste stream reduction;

22 (2) The feasibility of source separation of the solid waste stream
 23 generated within the county;

24 (3) The recyclable materials to be separated;

25 (4) The strategy for the collection, processing, marketing, and
 26 disposition of recyclable materials, including the cost-effective use of recycling centers;

27 (5) Methods of financing the recycling efforts proposed by the county;

28 (6) Methods for the separate collection and composting of yard waste;

1 (7) The feasibility of a system for the composting of mixed solid
2 wastes;

3 (8) The feasibility of a system for the collection and recycling of white
4 goods;

5 (9) The separate collection of other recyclable materials;

6 (10) The strategy for the collection, processing, marketing, and
7 disposition of recyclable materials from county public schools;

8 (11) The strategy for the collection and recycling of fluorescent and
9 compact fluorescent lights that contain mercury;

10 (12) The collection and recycling of recyclable materials from residents
11 of apartment buildings and condominiums that contain 10 or more dwelling units by
12 property owners or managers of apartment buildings and councils of unit owners of
13 condominiums;

14 (13) If applicable, a method for implementing a reporting requirement
15 for recyclable materials generated at apartment buildings and condominiums that
16 contain 10 or more dwelling units; [and]

17 **(14) THE COLLECTION AND RECYCLING OF RECYCLABLE**
18 **MATERIALS FROM ~~PUBLIC AND COMMERCIAL BUILDINGS AND~~ SPECIAL EVENTS;**
19 **AND**

20 ~~**(15) WHERE NOT ALREADY PROVIDED, A STRATEGY FOR**~~
21 ~~**PROVIDING SINGLE-STREAM, CURBSIDE RECYCLING COLLECTION SERVICES TO**~~
22 ~~**ALL SINGLE-FAMILY RESIDENCES BY OCTOBER 1, 2016; AND**~~

23 **[(14)] ~~(16)~~ (15)** Any other alternative methods of recycling that will
24 attain or exceed the solid waste stream reduction goals determined by the county.

25 (c) (1) In preparing the recycling plan as required under § 9–505 of this
26 title, the county may address methods for the separate collection and recycling of
27 covered electronic devices, including efforts by the county to establish partnerships
28 with covered electronic device manufacturers, recyclers, retailers, or other local
29 governments for the collection and recycling of covered electronic devices.

30 (2) If a county elects to address methods for the separate collection
31 and recycling of covered electronic devices in its recycling plan, any reduction in the
32 county's solid waste stream attributable to the implementation of the methods shall
33 count towards the county's required reduction through recycling of the solid waste
34 stream under § 9–505 of this title.

1 (d) A county that achieves a reduction of at least 5 percent in the volume of
 2 its waste through the utilization of 1 or more resource recovery facilities in operation
 3 as of January 1, 1988, shall be considered to have achieved a reduction by recycling of
 4 5 percent of its solid waste stream.

5 (e) In preparing a recycling plan, a county may not calculate a tax or
 6 mandatory deposit on any beverage container that is enacted by a county or
 7 municipality to achieve the recycling goals required under § 9-505 of this title.

8 (f) For the purpose of determining weight, the Department may not preclude
 9 the use of portable weigh scales.

10 (g) A county shall revise its recycling plan by:

11 (1) October 1, 2010, to address the requirements of subsection (b)(10)
 12 of this section; [and]

13 (2) October 1, 2011, to address the requirements of subsection (b)(11)
 14 of this section; AND

15 (3) **OCTOBER 1, 2015, TO ADDRESS THE REQUIREMENTS OF**
 16 **SUBSECTION (B)(14) OF THIS SECTION AND, IF APPLICABLE, SUBSECTION**
 17 **(B)(15) OF THIS SECTION.**

18 ~~9-1706.~~

19 ~~(a) The Office of Recycling, in cooperation with the Department of General~~
 20 ~~Services and other State agencies, shall develop a recycling plan that reduces by~~
 21 ~~recycling the amount of the solid waste stream generated for disposal by the State~~
 22 ~~government by at least 30% or to an amount that is determined practical and~~
 23 ~~economically feasible, but in no case may the amount to be recycled be less than 15%.~~

24 ~~(b) A recycling plan under subsection (a) of this section shall include a~~
 25 ~~system for recycling aluminum, glass, paper, and plastic generated for disposal by the~~
 26 ~~State government, including the placement of [collection bins in State owned or~~
 27 ~~State operated office buildings in locations in the State where it is determined to be~~
 28 ~~practical and economically feasible] **A RECYCLING RECEPTACLE IMMEDIATELY**~~
 29 ~~**ADJACENT TO EACH TRASH RECEPTACLE IN STATE OWNED OR**~~
 30 ~~**STATE OPERATED BUILDINGS.**~~

31 ~~(e) By July 1, [2014] 2015, each State agency and unit of State government~~
 32 ~~shall implement the recycling plan required under this section.~~

33 ~~9-1712.~~

1 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
2 ~~MEANINGS INDICATED.~~

3 ~~(2) "COMMERCIAL BUILDING" MEANS THE INTERIOR AND~~
4 ~~EXTERIOR SPACE OF A BUILDING THAT:~~

5 ~~(I) IS USED PRIMARILY TO CONDUCT A FOR-PROFIT OR~~
6 ~~NOT-FOR-PROFIT BUSINESS;~~

7 ~~(II) IS NOT RESIDENTIAL; AND~~

8 ~~(III) IS NOT USED PRIMARILY TO MANUFACTURE OR~~
9 ~~PRODUCE RAW MATERIALS, PRODUCTS, OR AGRICULTURAL COMMODITIES.~~

10 ~~(3) "PUBLIC BUILDING" MEANS THE INTERIOR AND EXTERIOR~~
11 ~~SPACE OF A BUILDING OWNED BY A COUNTY OR MUNICIPAL CORPORATION OR~~
12 ~~BY A UNIT OF A COUNTY OR MUNICIPAL CORPORATION.~~

13 ~~(B) (1) THIS SECTION APPLIES ONLY TO A PUBLIC OR COMMERCIAL~~
14 ~~BUILDING THAT GENERATES RECYCLABLE MATERIALS AS A RESULT OF~~
15 ~~ACTIVITIES CONDUCTED WITHIN THE PUBLIC OR COMMERCIAL BUILDING.~~

16 ~~(2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A~~
17 ~~COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT TO ENACT AND~~
18 ~~ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL~~
19 ~~PENALTIES, FOR A PUBLIC OR COMMERCIAL BUILDING THAT ARE MORE~~
20 ~~STRINGENT THAN THE REQUIREMENTS OF THIS SECTION.~~

21 ~~(C) (1) ON OR BEFORE OCTOBER 1, 2016, EACH PROPERTY OWNER~~
22 ~~OR MANAGER OF A PUBLIC OR COMMERCIAL BUILDING SHALL:~~

23 ~~(I) SUBSCRIBE TO A BASIC LEVEL OF RECYCLING SERVICE~~
24 ~~THAT INCLUDES, AT A MINIMUM, THE COLLECTION OF RECYCLABLE MATERIALS;~~

25 ~~(II) PROVIDE A RECYCLING RECEPTACLE IMMEDIATELY~~
26 ~~ADJACENT TO EACH TRASH RECEPTACLE LOCATED ON THE PROPERTY OF THE~~
27 ~~PUBLIC OR COMMERCIAL BUILDING; AND~~

28 ~~(III) ENSURE THAT ALL RECYCLING RECEPTACLES ARE~~
29 ~~CLEARLY DISTINGUISHED FROM TRASH RECEPTACLES BY COLOR OR SIGNAGE.~~

30 ~~(2) A COUNTY MAY REQUIRE A PROPERTY OWNER OR MANAGER~~
31 ~~OF A COMMERCIAL BUILDING THAT PROVIDES FOR RECYCLING TO REPORT TO~~

1 ~~THE COUNTY ON RECYCLING ACTIVITIES IN A MANNER DETERMINED BY THE~~
2 ~~COUNTY.~~

3 ~~(D) THE RECYCLING REQUIRED UNDER SUBSECTION (C) OF THIS~~
4 ~~SECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN~~
5 ~~REQUIRED UNDER § 9-1703 OF THIS SUBTITLE FOR THE COUNTY IN WHICH THE~~
6 ~~PUBLIC OR COMMERCIAL BUILDING IS LOCATED.~~

7 ~~(E) A PERSON THAT VIOLATES SUBSECTION (C) OR (D) OF THIS SECTION~~
8 ~~IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$50 FOR EACH DAY ON WHICH~~
9 ~~THE VIOLATION EXISTS.~~

10 ~~(F) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY, A~~
11 ~~MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT MAY CONDUCT~~
12 ~~INSPECTIONS OF A COMMERCIAL BUILDING TO ENFORCE SUBSECTION (C) OF~~
13 ~~THIS SECTION.~~

14 ~~(G) ANY PENALTIES COLLECTED UNDER SUBSECTION (E) OF THIS~~
15 ~~SECTION SHALL BE PAID TO THE COUNTY, MUNICIPALITY, OR OTHER LOCAL~~
16 ~~GOVERNMENT THAT BROUGHT THE ENFORCEMENT ACTION.~~

17 ~~9-1713. 9-1712.~~

18 (A) (1) THIS SECTION APPLIES TO ANY SPECIAL EVENT THAT:

19 (I) INCLUDES TEMPORARY OR PERIODIC USE OF A PUBLIC
20 STREET, PUBLICLY OWNED SITE OR FACILITY, OR PUBLIC PARK;

21 (II) SERVES FOOD OR DRINK; AND

22 (III) IS EXPECTED TO HAVE 200 OR MORE PERSONS IN
23 ATTENDANCE.

24 (2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A
25 COUNTY, A MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT TO ENACT AND
26 ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL
27 PENALTIES, FOR A SPECIAL EVENT THAT ARE MORE STRINGENT THAN THE
28 REQUIREMENTS OF THIS SECTION.

29 (B) (1) IN ADDITION TO ANY OTHER CONDITIONS REQUIRED AS PART
30 OF A SPECIAL EVENTS OR OTHER PERMIT, THE ORGANIZER OF A SPECIAL EVENT
31 SHALL:

1 **(I) PROVIDE A RECYCLING RECEPTACLE IMMEDIATELY**
2 **ADJACENT TO EACH TRASH RECEPTACLE AT THE SPECIAL EVENT;**

3 **(II) ENSURE THAT ALL RECYCLING RECEPTACLES ARE**
4 **CLEARLY DISTINGUISHED FROM TRASH RECEPTACLES BY COLOR OR SIGNAGE;**
5 **AND**

6 **(III) ENSURE THAT ALL RECYCLABLE MATERIALS**
7 **DEPOSITED INTO RECYCLING RECEPTACLES AT THE SPECIAL EVENT ARE**
8 **COLLECTED FOR RECYCLING.**

9 **(2) A COUNTY MAY REQUIRE THE ORGANIZER OF A SPECIAL**
10 **EVENT THAT PROVIDES FOR RECYCLING TO REPORT TO THE COUNTY ON**
11 **RECYCLING ACTIVITIES IN A MANNER DETERMINED BY THE COUNTY.**

12 **(C) THE RECYCLING REQUIRED UNDER SUBSECTION (B) OF THIS**
13 **SECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN**
14 **REQUIRED UNDER § 9-1703 OF THIS SUBTITLE FOR THE COUNTY IN WHICH THE**
15 **SPECIAL EVENT TAKES PLACE.**

16 **(D) A PERSON THAT VIOLATES SUBSECTION (B) OR (C) OF THIS SECTION**
17 **IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$50 FOR EACH DAY ON WHICH**
18 **THE VIOLATION EXISTS.**

19 **(E) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY, A**
20 **MUNICIPALITY, OR ANY OTHER LOCAL GOVERNMENT MAY CONDUCT**
21 **INSPECTIONS OF A SPECIAL EVENT LOCATION TO ENFORCE SUBSECTION (B) OF**
22 **THIS SECTION.**

23 **(F) ANY PENALTIES COLLECTED UNDER SUBSECTION (D) OF THIS**
24 **SECTION SHALL BE PAID TO THE COUNTY, MUNICIPALITY, OR OTHER LOCAL**
25 **GOVERNMENT THAT BROUGHT THE ENFORCEMENT ACTION.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **October 1, 2014.**