

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 781

(Senator Montgomery, *et al.*)

Education, Health, and Environmental Affairs

Environmental Matters

Environment - Recycling - Special Events

This bill requires the organizer of a specified type of special event to provide for the collection of recyclable materials. The bill also requires each county, as part of their currently required recycling plans, to address the collection and recycling of recyclable materials from special events by October 1, 2105. The bill establishes a civil penalty of \$50 per day for a violation of the requirement to provide for recycling at special events; the penalty is to be paid to the local government that enforced the violation.

Fiscal Summary

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

Local Effect: Local expenditures may increase for some jurisdictions to revise county recycling plans, procure additional recycling bins for special events organized by the jurisdictions, and for additional enforcement and inspections. Local revenues may increase minimally due to the bill's penalty provision and potentially from the sale of any additional recyclable materials collected. Local revenues may decrease minimally from the collection of fewer tipping fees by locally owned landfills. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Meaningful.

Analysis

Bill Summary: The organizer of a special event must provide a recycling receptacle immediately adjacent to each trash receptacle at the special event, ensure that all recycling receptacles are clearly distinguished from trash receptacles by color or signage,

and ensure that all recyclable materials deposited into recycling receptacles at the special event are collected for recycling. These requirements apply to any special event that includes temporary or periodic use of a public street, publicly owned site or facility, or public park, serves food or drink, and is expected to have 200 or more persons in attendance.

The bill requires, as part of the currently required county recycling plan submitted to the Maryland Department of the Environment (MDE), that each county address the collection and recycling of recyclable materials from special events. The bill requires a county to revise its recycling plan by October 1, 2015, to address this requirement. The bill also requires the recycling required for special events to be carried out in accordance with the revised county recycling plans.

The bill establishes a civil penalty for a violation of the bill's recycling requirements at special events of \$50 per day. This may be enforced by inspections conducted by an enforcement unit, officer, or official of a county, a municipality, or any other local government. Any civil penalty collected must be paid to the local jurisdiction that brought the enforcement action.

The bill does not affect the authority of a local government to enact and enforce more stringent recycling requirements, including establishing civil penalties, for a special event. A county may require the organizer of a special event to report to the county on recycling activities.

Current Law/Background: 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, 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. Finally, Chapter 692 increased the State agency recycling goal from 20% to 30% beginning July 1, 2014, and increased, if the target is determined to not be practical or economically feasible, the minimum required level of recycling from 10% to 15%.

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. More recently, Chapters 264 and 265 of 2009 added to this list a strategy for collecting, processing, marketing, and disposing of recyclable materials from county public schools, and Chapter 430 of 2010 added to this list a strategy for the collection and recycling of fluorescent lights containing mercury.

Additionally, Chapters 191 and 192 of 2012 required, by October 1, 2014, 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. In addition, a county may require these owners and managers to report to the county on recycling activities. The Acts established 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 county recycling plan. Chapter 602 of 2013 exempted a property owner or manager of an apartment building or a council of unit owners of a condominium in Ocean City from the requirements of Chapters 191 and 192 of 2012.

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.

Recycling and the Maryland Greenhouse Gas Reduction Act Plan

Pursuant to the Greenhouse Gas Reduction Act of 2009 (Chapters 171 and 172), MDE published a final greenhouse gas reduction plan in July 2013. The extensive plan includes numerous strategies, programs, and initiatives that, in combination, are projected to achieve a 25% reduction of greenhouse gas emissions from 2006 levels by 2020. One of the major strategies included in the plan is a "zero waste" initiative, which is estimated to provide 8.7% of the emissions reductions – the fourth largest component of the plan. According to the plan, zero waste is a concept that calls for the near complete elimination of solid waste sent to landfills or incinerators for disposal, and where, instead, the vast majority of Maryland's solid waste is reused, recycled, composted, or prevented through source reduction.

Local Expenditures: Local government expenditures may increase for some jurisdictions in fiscal 2015 to revise county recycling plans to incorporate special event recycling, as required by the bill, and potentially to also revise 10-year solid waste plans, as appropriate. Plan revisions may necessitate additional contractual expenditures.

Local expenditures may increase beginning no later than fiscal 2016 for jurisdictions to procure additional recycling bins that comply with the bill's specifications and/or to contract with recyclable materials haulers to ensure that materials collected at special events organized by local governments are recycled; any such increase is indeterminate, but relatively minimal. Finally, local expenditures may also increase for any additional

inspections and enforcement of county recycling plans revised in accordance with the bill's requirements.

Small Business Effect: Small businesses engaged in organizing “special events,” as defined by the bill, may incur meaningful additional costs. These additional costs, which are most significant in fiscal 2015 and 2016, may be offset in future years to the extent that the businesses realize savings from the reduction in the payment of tipping fees for the disposal of materials in landfills.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Calvert and Caroline counties; City of Bowie; Maryland Department of the Environment; Department of General Services; Maryland Association of Counties; Maryland Municipal League; Maryland Department of Transportation; University System of Maryland; the states of California, Delaware, and Vermont; Department of Legislative Services

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