

HOUSE BILL 850

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By: **Delegates Hill, Atterbeary, Beitzel, Branch, Brooks, Cullison, Ebersole, Kelly, Lam, McComas, Moon, Morhaim, Mosby, Pendergrass, Reilly, Turner, and Wivell**

Introduced and read first time: February 2, 2018

Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Solid Waste Management and Recycling – Mattresses and Box Springs**

3 FOR the purpose of requiring a certain county plan to designate, on or before a certain date,
4 a certain agency to be responsible for creating a certain plan to address the disposal
5 of mattresses and box springs and the expansion and development of certain
6 businesses for certain purposes; requiring the Office of Recycling within the
7 Department of the Environment to encourage and facilitate certain programs that
8 divert mattresses and box springs from disposal in landfills and incinerators;
9 requiring the Office to collect and provide to local governments and the public certain
10 information on certain programs that facilitate the recycling and reuse of mattresses
11 and box springs; requiring the Office, in coordination with the Maryland
12 Environmental Service, to include in a certain report certain information relating to
13 the disposal and recycling of mattresses and box springs; requiring a county to
14 address, in a certain recycling plan by a certain date, a certain strategy for managing
15 the disposal of mattresses and box springs; requiring the Department of the
16 Environment to report to the General Assembly on or before a certain date; requiring
17 the Department of Commerce to report to the General Assembly on or before a
18 certain date; and generally relating to solid waste management and recycling.

19 BY repealing and reenacting, without amendments,

20 Article – Environment

21 Section 9–503(a), 9–505(a)(18) and (19), (c), (d), and (e), 9–1702(a), and 9–1703(a)

22 Annotated Code of Maryland

23 (2014 Replacement Volume and 2017 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Environment

26 Section 9–505(a)(15), 9–1702(d) and (e), and 9–1703(b) and (g)

27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2017 Supplement)

Preamble

WHEREAS, In the United States, it is estimated that approximately 20 million mattress units are disposed of annually; and

WHEREAS, Mattresses and box springs use up limited landfill space, damage equipment used at landfills, contribute to air pollution when incinerated, and contribute to roadside litter when dumped illegally; and

WHEREAS, Mattresses and box springs pose practical challenges inherent to end-of-life management because they are bulky and not easily compacted, making transport and disposal inefficient; and

WHEREAS, Programs to address the end-of-life management of mattresses and box springs have been implemented successfully in other jurisdictions, including extended producer responsibility programs and programs implemented through nonprofit organizations with expertise in social enterprises; and

WHEREAS, A mattress recycling program under St. Vincent de Paul Society of Lane County, Oregon, operates 3 recycling facilities, employs more than 500 individuals, including disadvantaged individuals, and diverts 17.8 million pounds of reusable and recyclable material from landfills annually; and

WHEREAS, Under Executive Order 01.01.2017.13, Maryland has committed to sustainable materials management practices, which use and manage materials as efficiently and sustainably as possible throughout their entire life cycles; and

WHEREAS, According to Executive Order 01.01.2017.13, through source reduction, reuse, and recycling, Maryland can extend existing disposal capacity, reduce the need to construct new or expanded solid waste disposal facilities, conserve natural resources, and support a productive economy through recovery of valuable resources; and

WHEREAS, According to Executive Order 01.01.2017.13, studies have shown that diverting material from disposal to reuse, recycling, and composting results in more jobs and a more sustainable economy; and

WHEREAS, Executive Order 01.01.2017.13 establishes as the policy of the State that solid waste and recycling should seek to, among other things, minimize the environmental impacts of materials management over their entire life cycles, including the end-of-life management of materials; and

WHEREAS, Implementing end-of-life management policies for mattresses and box springs is consistent with existing State policy; and

WHEREAS, Opportunities exist for Maryland and its local jurisdictions to engage in

1 public-private enterprises and other partnerships and collaborative efforts to address the
2 disposal, collection, deconstructing, reuse, and recycling of mattresses and box springs;
3 now, therefore,

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

6 **Article – Environment**

7 9–503.

8 (a) Each county shall have a county plan or a plan with adjoining counties that:

9 (1) Is approved by the Department;

10 (2) Covers at least the 10-year period next following adoption by the county
11 governing body; and

12 (3) Deals with:

13 (i) Water supply systems;

14 (ii) Sewerage systems;

15 (iii) Solid waste disposal systems;

16 (iv) Solid waste acceptance facilities; and

17 (v) The systematic collection and disposal of solid waste, including
18 litter.

19 9–505.

20 (a) In addition to the other requirements of this subtitle, each county plan shall:

21 (15) **(I)** Designate an appropriate agency of the county to be responsible
22 for creating a workable plan:

23 **[(i)] 1.** To keep the environment of the county free of solid waste,
24 including litter; and

25 **[(ii)] 2.** To prevent scenic pollution of both public and private
26 property in the county; **AND**

27 **(II) ON OR BEFORE JULY 1, 2019, DESIGNATE AN APPROPRIATE**
28 **AGENCY OF THE COUNTY TO BE RESPONSIBLE FOR CREATING A WORKABLE PLAN:**

1 **1. TO PREVENT SCENIC POLLUTION OF BOTH PUBLIC**
2 **AND PRIVATE PROPERTY IN THE COUNTY FROM THE DUMPING OF MATTRESSES AND**
3 **BOX SPRINGS IN VIOLATION OF ANY STATE OR LOCAL LAW, RULE, REGULATION, OR**
4 **ORDINANCE;**

5 **2. TO ENCOURAGE AND PROMOTE THE EXPANSION AND**
6 **DEVELOPMENT OF BUSINESSES ENGAGED IN THE REPURPOSING AND RECYCLING OF**
7 **SOLID WASTE FOR THE PURPOSE OF CREATING JOBS AND MEANINGFUL ACTIVITIES**
8 **FOR UNEMPLOYED INDIVIDUALS, HOMELESS INDIVIDUALS, DISADVANTAGED**
9 **YOUTH, INDIVIDUALS WITH DISABILITIES, INDIVIDUALS WHO WERE INCARCERATED**
10 **IN A LOCAL, STATE, OR FEDERAL CORRECTIONAL FACILITY, AND OTHER**
11 **DISADVANTAGED INDIVIDUALS; AND**

12 **3. TO ELIMINATE, AS SOON AS POSSIBLE, THE DISPOSAL**
13 **OF MATTRESSES AND BOX SPRINGS IN LANDFILLS AND INCINERATORS;**

14 (18) For a county with a population greater than 150,000 according to the
15 latest Department of Planning projections, include a recycling plan by July 1, 2014 that:

16 (i) Provides for a reduction through recycling of at least 35% of the
17 county's solid waste stream by weight or submits adequate justification, including economic
18 and other specific factors, as to why the 35% reduction cannot be met;

19 (ii) Provides for recycling of the solid waste stream to the extent
20 practical and economically feasible, but in no event may less than a 15% reduction be
21 submitted; and

22 (iii) Requires full implementation of the recycling plan by December
23 31, 2015; and

24 (19) For a county with a population less than 150,000 according to the latest
25 Department of Planning projections, include a recycling plan by July 1, 2014 that:

26 (i) Provides for a reduction through recycling of at least 20% of the
27 county's solid waste stream or submits adequate justification, including economic and other
28 specific factors, as to why the 20% reduction cannot be met;

29 (ii) Provides for recycling of the solid waste stream to the extent
30 practical and economically feasible, but in no event may less than a 10% reduction be
31 submitted; and

32 (iii) Requires full implementation of the recycling plan by December
33 31, 2015.

34 (c) The recycling reductions of 35% and 20% provided in subsection (a)(18) and

1 (19) of this section are not intended to be the maximum percentage that a county can
2 achieve. A county that can practically and economically achieve a higher rate of recycling
3 is encouraged to submit a recycling plan for a higher percentage.

4 (d) If a county with a population less than 150,000 increases to a population of
5 above 150,000, the county shall have 2 years to revise the recycling plan to be consistent
6 with the recycling goals under subsection (a)(18) of this section.

7 (e) (1) The governing bodies of 2 or more counties may adopt a regional
8 recycling plan to comply with subsection (a)(18) or (19) of this section.

9 (2) A regional recycling plan which otherwise satisfies the requirements of
10 this subtitle for each of the participating counties shall constitute the county recycling plan
11 for each county which participates in the plan.

12 9-1702.

13 (a) There is an Office of Recycling created within the Department.

14 (d) The Office shall:

15 (1) Assist the counties in developing an acceptable recycling plan required
16 under § 9-1703 of this subtitle and § 9-505 of this title, including technical assistance to
17 the local governments;

18 (2) Coordinate the efforts of the State to facilitate the implementation of
19 the recycling goals at the county level;

20 (3) Review all recycling plans submitted as part of a county plan as
21 required under § 9-505 of this title and advise the Secretary on the adequacy of the
22 recycling plan; [and]

23 (4) Administer the Statewide Electronics Recycling Program under Part IV
24 of this subtitle; AND

25 **(5) (I) ENCOURAGE AND FACILITATE LOCAL GOVERNMENT AND**
26 **COMMUNITY PROGRAMS THAT DIVERT MATTRESSES AND BOX SPRINGS FROM**
27 **DISPOSAL IN LANDFILLS AND INCINERATORS; AND**

28 **(II) COLLECT AND PROVIDE TO LOCAL GOVERNMENTS AND THE**
29 **PUBLIC INFORMATION ON NATIONAL AND INTERNATIONAL PROGRAMS FOR THE**
30 **RECYCLING AND REUSE OF MATTRESSES AND BOX SPRINGS.**

31 (e) Beginning on January 1, 1990, and biannually thereafter, the Office shall, in
32 coordination with the Maryland Environmental Service, study and report to the Governor
33 and, subject to § 2-1246 of the State Government Article, the General Assembly on:

1 (1) The availability of local, national, and international markets for
2 recycling materials, **INCLUDING MATERIALS FROM DECONSTRUCTED MATTRESSES**
3 **AND BOX SPRINGS;**

4 (2) The identification and location of recycling centers, including an
5 analysis of existing recycling centers and the need to expand these facilities or construct
6 new recycling centers;

7 (3) Programs necessary to educate the public on the need to participate in
8 recycling efforts;

9 (4) The economics and financing of existing and proposed systems of waste
10 disposal and recycling;

11 (5) State procurement policies for the purchase of recycled materials;

12 (6) Programs necessary to reduce the amount of solid waste generated for
13 disposal by a State agency or unit;

14 (7) The liaison role with local governments, the federal government, and
15 the private sector;

16 (8) The percentage reduction in the amount of solid waste that has been
17 achieved by each county; [and]

18 (9) Economically feasible methods for the recycling of scrap automobile
19 tires, batteries, and white goods;

20 **(10) THE ACTIVITIES INITIATED BY THE OFFICE UNDER SUBSECTION**
21 **(D)(5) OF THIS SECTION; AND**

22 **(11) THE PROGRESS MADE IN THE STATE ON DIVERTING MATTRESSES**
23 **AND BOX SPRINGS FROM DISPOSAL IN LANDFILLS AND INCINERATORS.**

24 9-1703.

25 (a) Each county shall submit a recycling plan to the Secretary for approval when
26 the county submits its county plan to the Secretary in accordance with the provisions of §
27 9-505 of this title.

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

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

- 1 (2) The feasibility of source separation of the solid waste stream generated
2 within the county;
- 3 (3) The recyclable materials to be separated;
- 4 (4) The strategy for the collection, processing, marketing, and disposition
5 of recyclable materials, including the cost-effective use of recycling centers;
- 6 (5) Methods of financing the recycling efforts proposed by the county;
- 7 (6) Methods for the separate collection and composting of yard waste;
- 8 (7) The feasibility of a system for the composting of mixed solid wastes;
- 9 (8) The feasibility of a system for the collection and recycling of white
10 goods;
- 11 (9) The separate collection of other recyclable materials;
- 12 (10) The strategy for the collection, processing, marketing, and disposition
13 of recyclable materials from county public schools;
- 14 (11) The strategy for the collection and recycling of fluorescent and compact
15 fluorescent lights that contain mercury;
- 16 (12) The collection and recycling of recyclable materials from residents of
17 apartment buildings and condominiums that contain 10 or more dwelling units by property
18 owners or managers of apartment buildings and councils of unit owners of condominiums;
- 19 (13) If applicable, a method for implementing a reporting requirement for
20 recyclable materials generated at apartment buildings and condominiums that contain 10
21 or more dwelling units;
- 22 (14) The collection and recycling of recyclable materials from special events;

23 [and]

24 **(15) THE STRATEGY FOR MANAGING THE DISPOSAL OF MATTRESSES**
25 **AND BOX SPRINGS, INCLUDING METHODS FOR:**

26 **(I) ELIMINATING THE DISPOSAL OF MATTRESSES AND BOX**
27 **SPRINGS IN LANDFILLS AND INCINERATORS, INCLUDING THE DATE BY WHICH THE**
28 **COUNTY PROPOSES TO ACHIEVE THIS METHOD;**

29 **(II) PREVENTING THE DUMPING OF MATTRESSES AND BOX**
30 **SPRINGS IN VIOLATION OF THE ILLEGAL DUMPING AND LITTER CONTROL LAW**
31 **UNDER § 10-110 OF THE CRIMINAL LAW ARTICLE, OR ANY OTHER STATE OR LOCAL**

1 LAW, RULE, REGULATION, OR ORDINANCE;

2 (III) COLLECTING AND DECONSTRUCTING MATTRESSES AND
3 BOX SPRINGS;

4 (IV) RECYCLING MATTRESSES AND BOX SPRINGS; AND

5 (V) PROMOTING BUSINESS AND SOCIAL PROGRAMS THAT CAN
6 BE USED TO:

7 1. FACILITATE AND IMPLEMENT THE METHODS
8 IDENTIFIED UNDER ITEMS (I) THROUGH (IV) OF THIS ITEM; AND

9 2. CREATE JOBS FOR UNEMPLOYED INDIVIDUALS,
10 HOMELESS INDIVIDUALS, DISADVANTAGED YOUTH, INDIVIDUALS WITH
11 DISABILITIES, INDIVIDUALS WHO WERE INCARCERATED IN A LOCAL, STATE, OR
12 FEDERAL CORRECTIONAL FACILITY, AND OTHER DISADVANTAGED INDIVIDUALS;
13 AND

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

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

17 (1) October 1, 2010, to address the requirements of subsection (b)(10) of
18 this section;

19 (2) October 1, 2011, to address the requirements of subsection (b)(11) of
20 this section; [and]

21 (3) October 1, 2015, to address the requirements of subsection (b)(14) of
22 this section; AND

23 (4) OCTOBER 1, 2019, TO ADDRESS THE REQUIREMENTS OF
24 SUBSECTION (B)(15) OF THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2020,
26 the Department of the Environment shall report to the General Assembly, in accordance
27 with § 2–1246 of the State Government Article, on:

28 (1) the projected impact on the landfill capacity in the State from diverting
29 mattresses and box springs from disposal in landfills;

30 (2) the projected costs and benefits associated with:

1 (i) diverting mattresses and box springs from disposal in landfills;
2 and

3 (ii) recycling and reuse of mattresses and box springs; and

4 (3) the dates by which each county proposes to eliminate the disposal of
5 mattresses and box springs in landfills and incinerators, as addressed in the county's
6 recycling plan in accordance with § 9-1703 of the Environment Article, as enacted by
7 Section 1 of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 2020,
9 the Department of Commerce shall report to the General Assembly, in accordance with §
10 2-1246 of the State Government Article, on the potential economic impact in the State for
11 business growth and development and for job creation for unemployed and disadvantaged
12 individuals associated with:

13 (1) diverting mattresses and box springs from disposal in landfills and
14 incinerators; and

15 (2) recycling and reuse of mattresses and box springs.

16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2018.