

HOUSE BILL 589

M3

0lr0839

By: **Delegates Charkoudian, Boyce, Cain, Crutchfield, Feldmark, Fraser-Hidalgo, Korman, J. Lewis, R. Lewis, Lierman, Love, Moon, Palakovich Carr, Shetty, Solomon, Stewart, and Wilkins**

Introduced and read first time: January 27, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Solid Waste Management – Organics Recycling and Waste Diversion – Food**
3 **Residuals**

4 FOR the purpose of requiring a certain person that generates food residuals to separate the
5 food residuals from other solid waste and ensure that the food residuals are diverted
6 from final disposal in a refuse disposal system in a certain manner under certain
7 circumstances; requiring the Department of the Environment to report to the
8 General Assembly on or before a certain date and each year thereafter; providing
9 that this Act may not be construed to preempt or prevail over any ordinance,
10 resolution, law, or rule more stringent than this Act; requiring the Department to
11 establish certain guidelines and develop certain mapping; providing for the
12 application of this Act; defining certain terms; and generally relating to organics
13 recycling and waste diversion.

14 BY repealing and reenacting, without amendments,
15 Article – Environment
16 Section 9–201(a) and (e) and 9–1701(a), (b), (d), (n), (o), and (q)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2019 Supplement)

19 BY adding to
20 Article – Environment
21 Section 9–1701(i–1) and (r–1) and 9–1724.1
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Environment**

2 9–201.

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

4 (e) “Refuse disposal system” includes:

5 (1) An incinerator;

6 (2) A transfer station;

7 (3) A landfill system;

8 (4) A landfill;

9 (5) A solid waste processing facility; and

10 (6) Any other solid waste acceptance facility.

11 9–1701.

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

13 (b) “Anaerobic digestion” means the controlled anaerobic biological decomposition
14 of organic waste material to produce biogas and digestate.15 (d) “Composting” means the controlled aerobic biological decomposition of organic
16 waste material in accordance with the standards established by the Secretary under this
17 title.18 **(I-1) “FOOD RESIDUALS” MEANS MATERIAL DERIVED FROM THE**
19 **PROCESSING OR DISCARDING OF FOOD, INCLUDING PRE- AND POST-CONSUMER**
20 **VEGETABLES, FRUITS, GRAINS, DAIRY PRODUCTS, AND MEATS.**21 (n) (1) “Organics recycling” means any process in which organic materials are
22 collected, separated, or processed and returned to the marketplace in the form of raw
23 materials or products.

24 (2) “Organics recycling” includes anaerobic digestion and composting.

25 (o) “Organics recycling facility” means a facility where organics recycling takes
26 place.27 (q) “Recycling” means any process in which recyclable materials are collected,
28 separated, or processed and returned to the marketplace in the form of raw materials or
29 products.

1 (R-1) "REFUSE DISPOSAL SYSTEM" HAS THE MEANING STATED IN § 9-201 OF
2 THIS TITLE.

3 9-1724.1.

4 (A) THIS SECTION APPLIES ONLY TO A PERSON THAT:

5 (1) (I) ON OR AFTER JANUARY 1, 2021, GENERATES AT LEAST 2
6 TONS OF FOOD RESIDUALS EACH WEEK;

7 (II) ON OR AFTER JANUARY 1, 2022, GENERATES AT LEAST 1
8 TON OF FOOD RESIDUALS EACH WEEK;

9 (III) ON OR AFTER JANUARY 1, 2023, GENERATES AT LEAST
10 ONE-HALF TON OF FOOD RESIDUALS EACH WEEK; AND

11 (IV) ON OR AFTER JANUARY 1, 2024, GENERATES AT LEAST
12 ONE-QUARTER TON OF FOOD RESIDUALS EACH WEEK; AND

13 (2) GENERATES THE FOOD RESIDUALS AT A LOCATION THAT IS
14 WITHIN A 30-MILE RADIUS OF AN ORGANICS RECYCLING FACILITY THAT:

15 (I) HAS THE CAPACITY TO ACCEPT AND PROCESS THE FOOD
16 RESIDUALS; AND

17 (II) IS WILLING TO ACCEPT THE FOOD RESIDUALS FOR
18 RECYCLING.

19 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
20 THAT GENERATES FOOD RESIDUALS SHALL:

21 (1) SEPARATE THE FOOD RESIDUALS FROM OTHER SOLID WASTE;
22 AND

23 (2) ENSURE THAT THE FOOD RESIDUALS ARE DIVERTED FROM FINAL
24 DISPOSAL IN A REFUSE DISPOSAL SYSTEM BY:

25 (I) REDUCING THE AMOUNT OF FOOD RESIDUALS GENERATED
26 BY THE PERSON;

27 (II) DONATING SERVABLE FOOD;

1 **(III) MANAGING THE FOOD RESIDUALS IN A SYSTEM INSTALLED**
2 **ON SITE;**

3 **(IV) PROVIDING FOR THE COLLECTION AND TRANSPORTATION**
4 **OF THE FOOD RESIDUALS FOR AGRICULTURAL USE, INCLUDING FOR USE AS ANIMAL**
5 **FEED;**

6 **(V) PROVIDING FOR THE COLLECTION AND TRANSPORTATION**
7 **OF THE FOOD RESIDUALS FOR PROCESSING IN AN ORGANICS RECYCLING FACILITY;**
8 **OR**

9 **(VI) ENGAGING IN ANY COMBINATION OF THE WASTE DIVERSION**
10 **ACTIVITIES LISTED UNDER ITEMS (I) THROUGH (V) OF THIS ITEM.**

11 **(C) ON OR BEFORE DECEMBER 1, 2021, AND EACH DECEMBER 1**
12 **THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN**
13 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE**
14 **IMPLEMENTATION OF THIS SECTION, INCLUDING THE IMPACTS ON WASTE**
15 **DIVERSION IN THE STATE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed
17 to preempt or prevail over any local ordinance, resolution, law, or rule more stringent than
18 this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of the
20 Environment shall:

21 (1) establish guidelines to assist businesses with complying with the
22 provisions of this Act, including guidelines for estimating the weight of the food residuals
23 generated by a business; and

24 (2) develop mapping and other systems to identify existing composting
25 facilities and the geographic areas within the 30-mile radius of each facility.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2020.