

Chapter 631

(House Bill 280)

AN ACT concerning

**Maryland Recycling Act – Recyclable Materials and Resource Recovery
Facilities – Alterations**

FOR the purpose of altering the definition of “recyclable materials” under the Maryland Recycling Act to exclude incinerator ash; repealing the authority of a county to utilize a resource recovery facility to meet a certain percentage of the waste reduction required to be achieved through recycling in the county’s recycling plan; making conforming changes; and generally relating to the Maryland Recycling Act.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1701(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1701(p) and (t) through (w) and 9–1703(e) through (g)
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)

BY repealing
Article – Environment
Section 9–1701(s) and 9–1703(d)
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)

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

Article – Environment

9–1701.

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

(p) **(1)** “Recyclable materials” means those materials that:

[(1)] (I) Would otherwise become solid waste for disposal in a refuse disposal system; and

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

(2) “RECYCLABLE MATERIALS” DOES NOT INCLUDE INCINERATOR ASH.

[(s)] “Resource recovery facility” means a facility in existence as of January 1, 1988 that:

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

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

[(t)] (S) (1) “Solid waste stream” means garbage or refuse that would, unless recycled, be disposed of in a refuse disposal system.

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

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

(i) Hospital waste;

(ii) Rubble;

(iii) Scrap material;

(iv) Land clearing debris;

(v) Sewage sludge; or

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

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

(2) “Video display device” includes a device that is an integral part of the display and cannot easily be removed from the display by the consumer and that produces

the moving image on the screen.

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

[(v)] (U) “White goods” includes:

- (1) Refrigerators;
- (2) Stoves;
- (3) Washing machines;
- (4) Dryers;
- (5) Water heaters; and
- (6) Air conditioners.

[(w)] (V) (1) “Yard waste” means organic plant waste derived from gardening, landscaping, and tree trimming activities.

(2) “Yard waste” includes leaves, garden waste, lawn cuttings, weeds, and prunings.

9–1703.

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

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

[(f)] (E) For the purpose of determining weight, the Department may not preclude the use of portable weigh scales.

[(g)] (F) A county shall revise its recycling plan by:

- (1) October 1, 2010, to address the requirements of subsection (b)(10) of this section;
- (2) October 1, 2011, to address the requirements of subsection (b)(11) of this section; and

(3) October 1, 2015, to address the requirements of subsection (b)(14) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.