

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 21 (Delegate Love)
Environment and Transportation

Environment – Recycling – Prohibition on the Chemical Conversion of Plastic

This bill excludes the following chemical conversion processes from the definition of “recycling”: pyrolysis, hydrolysis, methanolysis, gasification, enzymatic breakdown, or a similar process, as determined by the Maryland Department of the Environment (MDE). The bill also prohibits a person from building a facility in the State that converts plastic to fuel or feedstock through those same chemical conversion processes. MDE is authorized to adopt implementing regulations.

Fiscal Summary

State Effect: MDE can implement the bill with existing budgeted resources. Revenues are not affected.

Local Effect: The bill is not anticipated to have an immediate impact on local government finances or operations, as discussed below.

Small Business Effect: Minimal or none, as discussed below.

Analysis

Current Law: “Recycling” means any process in which recyclable materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products. “Recyclable materials” are those that (1) would otherwise become solid waste for disposal in a refuse disposal system and (2) may be collected, separated, composted, or processed and returned to the marketplace in the form of raw materials or products.

There are no explicit prohibitions against the establishment or operation of a facility that converts plastic to fuel or feedstock through pyrolysis, hydrolysis, methanolysis, gasification, or enzymatic breakdown.

MDE's Solid Waste Program is responsible for assuring that society's domestic, commercial, and nonhazardous industrial solid waste is handled properly. Among other things, the program regulates solid waste acceptance facilities, which include most recycling facilities. A refuse disposal permit is required for the installation, alteration, or extension of a solid waste acceptance facility. Generally, a recycling facility must obtain a refuse disposal permit. However, there are certain specified exceptions and other permitting requirements for other types of nonconventional recycling. For example, there is a separate permitting process for natural wood waste recycling facilities, composting facilities, and open burn permits

Maryland's recycling policy is guided by the Maryland Recycling Act (MRA), which sets mandatory recycling rates for State government and local jurisdictions, as well as a voluntary statewide waste diversion goal of 60% and a voluntary statewide recycling goal of 55% by 2020. Each county (including Baltimore City) must prepare a recycling plan that addresses how the jurisdiction will achieve its mandatory recycling rate.

Local Fiscal Effect: The bill is not anticipated to have an immediate impact on local government finances or operations; MDE is not aware of any existing facilities that would be affected by the bill. However, the bill's prohibition limits a local government's future options for managing plastic materials. In addition, by removing specified chemical conversion processes from the definition of "recycling," MDE advises that the bill could be interpreted to affect a local jurisdiction's ability to receive credit under MRA for nonconventional recycling methods that use those processes. For example, the anaerobic digestion of organic materials, which has been widely used by wastewater treatment plants and can also be used for yard waste, food scraps, and other organic materials, is in part an enzymatic breakdown process because of the biochemical produced by the anaerobic bacteria.

Small Business Effect: While there are no known plans to build a facility that uses one of the specified chemical conversion processes, the bill prohibits the future establishment of such facilities, thereby preventing small business recyclers from entering into this field of commercial activity, which MDE advises is beginning to grow nationally.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Harford and Montgomery counties; Northeast Maryland Waste Disposal Authority; Maryland Department of the Environment; Department of Legislative Services

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