

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 490 (Senators Ready and McCray)  
Education, Health, and Environmental Affairs

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**Maryland Recycling Act - Recyclable Materials and Solid Waste Stream -  
Alteration**

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This bill expands the definitions of “recyclable materials” and “solid waste stream” to include construction and demolition debris (C&D), such as rubble, scrap material, and land clearing debris, for the purposes of the Maryland Recycling Act (MRA).

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**Fiscal Summary**

**State Effect:** State finances are not materially affected; the Maryland Department of the Environment (MDE) can implement the bill’s changes with existing budgeted resources.

**Local Effect:** The overall effect on local expenditures is unknown. County expenditures could be affected depending on how the bill’s changes affect solid waste streams and recycling rates. Some counties may incur costs to revise their county plans. Any impact on local revenues is unknown and not reflected in this analysis.

**Small Business Effect:** Potential meaningful.

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**Analysis**

**Current Law:** “Recyclable materials” means those materials 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. The term does not include incinerator ash. “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. “Solid waste stream” means garbage or refuse that would, unless recycled, be disposed of in a refuse disposal system.

Solid waste stream includes organic material capable of being composted and is not composted in accordance with specified regulations. Solid waste stream does *not* include hospital waste, *rubble*, *scrap material*, *land clearing debris*, sewage sludge, or waste generated by a single individual or business and disposed of in a facility dedicated solely for that entity's waste.

Maryland's recycling policy is guided by 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. The plan must be submitted to MDE's Office of Recycling for approval when the jurisdiction submits its water and sewerage plan at least every 10 years. At least every 2 years, each county must also submit a progress report to MDE, which must include any revision of or amendment to the county plan that has been adopted.

MDE's Office of Recycling submits annual reports, in coordination with the Maryland Environmental Service, to the Governor and the General Assembly on specified information related to recycling in Maryland. Beginning in 2009, MDE has combined the *Maryland Waste Diversion Activities Report* and the *Solid Waste Managed in Maryland Report* into one report, the *Maryland Solid Waste Management and Diversion Report*.

**Local Fiscal Effect:** Because the bill adds C&D debris to the definitions of recyclable materials and solid waste stream, under the bill, a county is able to count recycled C&D debris toward mandatory and voluntary reductions in its solid waste stream for the purposes of meeting required solid waste reductions and mandatory recycling rates under MRA. However, it also means that these materials count toward the overall volume of a county's solid waste stream. The overall fiscal effect of the bill is unknown and likely varies by county. Ultimately, any impact on expenditures depends on the ratio of C&D debris disposed of and recycled in a given county and whether that causes the county's recycling rate to increase or decrease under the bill. To the extent that a county's recycling rate decreases, expenditures may increase to increase recycling efforts. To the extent that a county's recycling rate increases, expenditures may decrease.

Operationally, the bill's changes likely encourage additional recycling of C&D debris. While recycling more C&D debris may increase costs, it also conserves landfill space.

The bill may also require counties to (1) revise their county recycling plans to reflect the bill's changes and (2) potentially revise their 10-year solid waste plans, as appropriate. To the extent that any required changes to these plans are relatively minor and can be accomplished within a county's normal update and review schedule, any increase in costs may be minimal. On the other hand, to the extent that county plans must be revised earlier

than they otherwise would be, or involve more significant changes, some of the affected counties may need to hire consultants, resulting in additional costs.

**Small Business Effect:** To the extent that the inclusion of C&D debris as recyclable material under MRA increases the recycling of these materials, any small businesses that offer hauling or recycling services for such materials may see an increase in the demand for their services.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Environmental Service; Carroll County; Maryland Association of Counties; Northeast Maryland Waste Disposal Authority; Maryland Municipal League; Maryland Department of the Environment; Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2022  
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