

SB0222/933629/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 222
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “**Augustine,**” insert “**Hester,**”; in the same line, strike “**and Hettleman**” and substitute “**Hettleman, Brooks, Kagan, Lewis Young, and Watson**”; in line 18, after “Department” insert “to hire an independent contractor”; after line 21, insert:

“BY repealing and reenacting, without amendments,

Article – Environment

Section 9–1701(a) and (o)

Annotated Code of Maryland

(2014 Replacement Volume and 2022 Supplement)”;

and in line 24, strike “9–1702” and substitute “9–1701(n), 9–1702.”.

AMENDMENT NO. 2

On page 2, after line 6, insert:

“9–1701.

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

(n) (1) “Organics recycling” means any process in which organic materials OR COMPOSTABLE PACKAGING MATERIALS are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

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

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(o) “Organics recycling facility” means a facility where organics recycling takes place.”;

and in line 27, strike “**CONDUCT**” and substitute “**PROCURE**”.

On page 4, in line 7, after “**SHALL**” insert “**HIRE AN INDEPENDENT CONSULTANT TO**”; after line 9, insert:

“(1) AN ANALYSIS OF THE STATE’S CURRENT SOLID WASTE STREAMS, INCLUDING:

(I) SOLID WASTE GENERATED IN THE STATE BY LOCAL JURISDICTION, TYPE, AND MATERIAL;

(II) DISPOSAL METHODS BY MATERIAL TYPE AND AMOUNT;
AND

(III) ASSOCIATED COSTS AND REVENUES FOR SOLID WASTE DISPOSAL PROGRAMS;

(2) AN ANALYSIS OF THE STATE’S CURRENT RECYCLING STREAMS, INCLUDING:

(I) RECYCLABLE MATERIALS PROCESSED BY LOCAL JURISDICTION, TYPE, AND AMOUNT;

(II) PROCESSING METHODS BY MATERIAL TYPE AND AMOUNT;

(III) ASSOCIATED COSTS AND REVENUES FOR RECYCLING PROGRAMS, COLLECTION, AND TIPPING FEES; AND

(IV) AN ESTIMATE OF THE AMOUNT OF RECYCLABLE MATERIALS THAT ARE NOT CURRENTLY BEING RECYCLED;;

and in lines 10, 25, and 27, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively.

On page 5, in lines 1, 3, and 7, strike “(4)”, “(5)”, and “(7)”, respectively, and substitute “(6)”, “(7)”, and “(9)”, respectively; in line 2, after “MULTIFAMILY” insert “AND COMMERCIAL”; strike in their entirety lines 5 and 6 and substitute:

“(8) AN EVALUATION OF THE ECONOMIC OPPORTUNITIES IN THE STATE’S RECYCLING SYSTEM, INCLUDING:

(I) STATE AND LOCAL REVENUE THAT MAY BE CONSIDERED LOST BECAUSE RECYCLABLE MATERIALS ARE NOT BEING RECYCLED;

(II) CURRENT JOBS ASSOCIATED WITH THE SOLID WASTE AND RECYCLING INDUSTRIES;

(III) OPPORTUNITIES TO INCREASE EMPLOYMENT IN THE RECYCLING INDUSTRY BY MATERIAL TYPE;

(IV) BUSINESS OPPORTUNITIES ASSOCIATED WITH RECYCLING;

(V) BARRIERS TO INCREASING THE USE OF RECYCLABLE MATERIALS AS FEEDSTOCK FOR PRINCIPAL PROCESSORS AND MANUFACTURERS AND MEANS OF ELIMINATING THOSE BARRIERS; AND

(VI) RECOMMENDATIONS FOR INCENTIVES TO STIMULATE JOB GROWTH AND BUSINESS OPPORTUNITIES IN THE STATE'S RECYCLING INDUSTRY;;

in line 11, strike "RESPONSIBILITIES." and substitute "**RESPONSIBILITIES;**

(10) AN ANALYSIS OF THE COSTS AND BENEFITS OF IMPLEMENTING AN EXTENDED PRODUCER RESPONSIBILITY PROGRAM, INCLUDING TO:

(I) LOCAL GOVERNMENTS;

(II) WASTE PRODUCERS;

(III) RESIDENTS; AND

(IV) WASTE MANAGEMENT COMPANIES;

(11) AN ANALYSIS OF THE POTENTIAL ENVIRONMENTAL IMPACT OF AN EXTENDED PRODUCER RESPONSIBILITY PROGRAM, INCLUDING THROUGH:

(I) INCREASED RECYCLING;

(II) RESOURCE RECOVERY;

(III) WASTE REDUCTION; AND

(IV) REDUCED ENVIRONMENTAL DAMAGE;

(12) RECOMMENDATIONS ON THE BEST PRACTICES TO FOLLOW FROM SUCCESSFUL EXTENDED PRODUCER RESPONSIBILITY PROGRAMS IN OTHER STATES AND COUNTRIES; AND

(13) BASED ON THE DATA COLLECTED UNDER ITEM (3) OF THIS SUBSECTION, A RECOMMENDATION ON A REASONABLE ANNUAL RATE PER TON OF RECYCLED OR COMPOSTED PACKAGING MATERIALS, TO BE INCLUDED IN THE PRODUCER RESPONSIBILITY PLANS REQUIRED UNDER § 9-2504 OF THIS TITLE, FOR REIMBURSING LOCAL GOVERNMENTS FOR COSTS ASSOCIATED WITH:

(I) COLLECTING PACKAGING MATERIALS THAT ARE IDENTIFIED IN PLANS;

(II) TRANSPORTING RECYCLABLE OR COMPOSTABLE PACKAGING MATERIALS IDENTIFIED IN THE PLANS; AND

(III) PROCESSING RECYCLABLE OR COMPOSTABLE PACKAGING MATERIALS IDENTIFIED IN THE PLANS, INCLUDING REMOVING CONTAMINATION.”;

and in line 18, strike “OFFICE” and substitute “INDEPENDENT CONSULTANT”.

AMENDMENT NO. 3

On page 7, strike in their entirety lines 22 through 27, inclusive; and in line 28, strike “(D)” and substitute “(C)”.

On page 8, after line 1, insert:

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“(D) ‘‘MATERIALS RECYCLING FACILITY’’ MEANS A FACILITY THAT RECEIVES RECYCLABLE MATERIALS FOR MECHANICAL OR MANUAL SORTING INTO SPECIFICATION-GRADE COMMODITIES FOR SALE TO A BROKER OR END MARKET.

“(E) ‘‘ORGANICS RECYCLING’’ AND ‘‘ORGANICS RECYCLING FACILITY’’ HAVE THE MEANINGS STATED IN § 9-1701 OF THIS TITLE.

“(F) ‘‘PACKAGING MATERIAL WASTE’’ MEANS THE PERCENTAGE OF THE TOTAL WEIGHT OF PACKAGING MATERIALS SOLD OR DISTRIBUTED IN THE STATE THAT ARE NOT RECYCLED, REUSED, OR COMPOSTED.’’;

in line 2, strike “(E)” and substitute “(G)”; in line 23, strike the first “OR”; in the same line, after “DIAGNOSTIC,” insert “OR DIETARY SUPPLEMENT”; in line 17, strike “INCLUDE ANY” and substitute “INCLUDE:

(I) ANY”;

in lines 19, 22, and 24, strike “(I)”, “(II)”, and “(III)”, respectively, and substitute “1.”, “2.”, and “3.”, respectively; in line 26, after “ANIMALS” insert “; OR

(II) LIQUEFIED PETROLEUM GAS CONTAINERS THAT ARE DESIGNED TO BE REFILLED”;

and in line 27, strike “(F)” and substitute “(H)”.

On page 9, in lines 7 and 17, strike “(G)” and “(H)”, respectively, and substitute “(I)” and “(J)”, respectively.

On page 12, strike in their entirety lines 3 through 6, inclusive, and substitute:

“(D) THIS SUBTITLE MAY NOT BE CONSTRUED TO:

(1) PROHIBIT A LOCAL GOVERNMENT OR ANY OTHER ENTITY FROM SELLING RECYCLED MATERIALS OR COMPOST TO END MARKETS AND RETAINING THE REVENUES FROM THOSE SALES;

(2) AFFECT THE AUTHORITY OF A PUBLICLY OR PRIVATELY OWNED MATERIALS RECYCLING FACILITY OR ORGANICS RECYCLING FACILITY TO DETERMINE WHICH ENTITIES MAY USE THE FACILITY; OR

(3) LIMIT THE ABILITY OF LOCAL GOVERNMENTS, MATERIALS RECYCLING FACILITIES, OR ORGANICS RECYCLING FACILITIES TO MAKE DECISIONS ON RECYCLING INFRASTRUCTURE PURCHASES, INCLUDING PROCESSING EQUIPMENT.”;

in line 8, after “(1)” insert **“ON OR BEFORE JUNE 30, 2024, THE DEPARTMENT SHALL APPROVE A SINGLE PRODUCER RESPONSIBILITY ORGANIZATION TO FULFILL THE REQUIREMENTS OF THIS SUBSECTION.**

(2)”;

in lines 8, 23, and 28, in each instance, strike “A” and substitute **“THE”**; in line 12, strike **“RESPONSIBLE PARTIES”** and substitute **“PRODUCERS”**; in lines 14 and 17, in each instance, strike **“RESPONSIBLE PARTY”** and substitute **“PRODUCER”**; and in line 21, strike **“RESPONSIBLE PARTIES”** and substitute **“PRODUCERS”**.

On pages 12 and 13, strike in their entirety the lines beginning with line 32 on page 12 through line 2 on page 13, inclusive.

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On page 13, after line 2, insert:

“(3) (I) ON OR AFTER JULY 1, 2030, A NONPROFIT ORGANIZATION MAY REQUEST THAT THE DEPARTMENT DESIGNATE THE NONPROFIT ORGANIZATION AS AN ADDITIONAL PRODUCER RESPONSIBILITY ORGANIZATION.

(II) THE DEPARTMENT MAY DESIGNATE A NONPROFIT ORGANIZATION AS AN ADDITIONAL PRODUCER RESPONSIBILITY ORGANIZATION IF THE DEPARTMENT DETERMINES, IN COORDINATION WITH THE ADVISORY COUNCIL ESTABLISHED UNDER § 9-2505 OF THIS SUBTITLE, THAT THE DESIGNATION OF THE ADDITIONAL PRODUCER RESPONSIBILITY ORGANIZATION IS NECESSARY TO:

1. INCREASE RECYCLING RATES; OR
2. IMPROVE RECYCLING SERVICES FOR A SPECIFIC TYPE OF PACKAGING MATERIAL.

(III) IF THE DEPARTMENT APPROVES THE DESIGNATION OF AN ADDITIONAL PRODUCER RESPONSIBILITY ORGANIZATION UNDER THIS SUBSECTION, THE PRODUCER RESPONSIBILITY ORGANIZATION SHALL:

1. NOT LATER THAN 30 DAYS AFTER BEING APPROVED BY THE DEPARTMENT AND ON OR BEFORE JULY 1 EACH YEAR THEREAFTER, FILE A REGISTRATION FORM WITH THE DEPARTMENT CONTAINING THE INFORMATION REQUIRED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION AND PAY THE ANNUAL REGISTRATION FEE DESCRIBED IN PARAGRAPH (2)(III) OF THIS SUBSECTION; AND

2. COORDINATE WITH THE PRODUCER RESPONSIBILITY ORGANIZATION ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT, AND LOCAL GOVERNMENTS TO ENSURE THAT:

A. RECYCLING SERVICES FOR RESIDENTS OF THE STATE ARE PROVIDED IN A SEAMLESS MANNER; AND

B. PUBLIC OUTREACH, EDUCATION, AND COMMUNICATION ARE PROVIDED IN A CONSISTENT MANNER.

(IV) THE PRODUCER RESPONSIBILITY ORGANIZATION ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND ANY ADDITIONAL PRODUCER RESPONSIBILITY ORGANIZATIONS DESIGNATED UNDER THIS PARAGRAPH MAY CREATE A REPRESENTATIVE ORGANIZATION TO REPRESENT THE PARTICIPATING PRODUCER RESPONSIBILITY ORGANIZATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SUBTITLE.”;

in line 3, strike “(2)” and substitute “(B)”; in the same line, after “2026,” insert “AND EVERY 5 YEARS THEREAFTER,”; in lines 3 and 21, strike “(I)” and “(III)”, respectively, and substitute “(1)” and “(2)”, respectively; strike in their entirety lines 7 through 20, inclusive; in lines 24 and 26, strike “1.” and “2.”, respectively, and substitute “(I)” and “(II)”, respectively; in line 29, after “(3)” insert “(I)”; and in the same line, strike “ON” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON”.

On page 14, after line 1, insert:

“(II) A PRODUCER IS NOT REQUIRED TO SUBMIT A PRODUCER RESPONSIBILITY PLAN TO THE DEPARTMENT, INDIVIDUALLY OR AS PART OF A PRODUCER RESPONSIBILITY ORGANIZATION, IF ANOTHER PERSON HAS AGREED

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TO ASSUME RESPONSIBILITY UNDER THIS SUBTITLE FOR ANY PACKAGING MATERIAL SOLD, OFFERED FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE BY THAT PRODUCER.”;

and in lines 2, 8, and 26, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; in line 22, strike “EACH”; and in the same line, strike “PRODUCER” and substitute “PRODUCERS”.

AMENDMENT NO. 4

On page 16, in lines 2, 25, and 32, strike “(E)”, “(C)”, and “(D)”, respectively, and substitute “(F)”, “(D)”, and “(E)”, respectively.

On page 17, in lines 5 and 31, in each instance, strike “(B)(11)” and substitute “(C)(11)”; in line 7, strike “PROVIDE” and substitute “SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, PROVIDE”; in line 13, strike “RECYCLING OR” and substitute “MATERIALS RECYCLING FACILITY OR AN”; strike beginning with “RECYCLING” in line 16 down through “STATE” in line 17, and substitute “CONVERTING PACKAGING MATERIALS THAT ARE DIVERTED TO BE RECYCLED OR COMPOSTED INTO COMMODITY MATERIALS”; in line 18, strike “ESTABLISH” and substitute “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ESTABLISH”; and in line 27, strike “(B)(9)” and substitute “(C)(9)”.

On page 18, strike beginning with “NEAREST” in line 16 down through “ORGANICS” in line 17 and substitute “RELEVANT MATERIALS”; in line 17, after “FACILITY” insert “OR ORGANICS RECYCLING FACILITY”; and in line 23, strike “TO” and substitute “BY”.

On page 19, in lines 12 and 25, strike “(E)” and “(F)”, respectively, and substitute “(F)” and “(G)”, respectively; and in line 30, strike “(D)(1)(V)” and substitute “(E)(1)(V)”.

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On page 20, in lines 1, 20, and 23, strike “(G)”, “(H)”, and “(I)”, respectively, and substitute “(H)”, “(I)”, and “(J)”, respectively.

On page 21, in line 7, strike “(B)(3)” and substitute “(C)(3)”; in line 30, after “COLLECTORS” insert “FROM BOTH THE PUBLIC AND PRIVATE SECTORS”; and in line 31, after “PROCESSORS” insert “FROM BOTH THE PUBLIC AND PRIVATE SECTORS”.

On page 22, in line 22, after “FROM” insert “A PRODUCER OR”.

On page 24, in line 27, strike “§ 9-2504(B)(3)” and substitute “§ 9-2504(C)(3)”.

On page 25, strike in their entirety lines 1 through 17, inclusive; and in lines 18, 24, 26, and 30, strike “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “(4)”, “(5)”, “(6)”, and “(7)”, respectively.

On page 26, in lines 1 and 11, strike “(9)” and “(10)”, respectively, and substitute “(8)” and “(9)”, respectively; in line 6, after “STATE;” insert “AND”; and strike beginning with “THE” in line 7 down through “(V)” in line 9.

On page 27, in lines 12 and 13, in each instance, strike “A CIVIL” and substitute “AN ADMINISTRATIVE”; after line 22, insert:

“(3) AFTER THE 60-DAY PERIOD SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION, EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE VIOLATION.”;

in line 24, strike “§ 9-2504(B)(3)” and substitute “§ 9-2504(C)(3)”; and in line 26, strike “\$5,000” and substitute “\$250,000”.