

**Department of Legislative Services**  
Maryland General Assembly  
2023 Session

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

House Bill 1086 (Delegate Boyce)  
Environment and Transportation

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**Department of the Environment - Recycling Analysis and Report**

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This bill requires the Maryland Department of the Environment (MDE) to (1) conduct an analysis of county and municipal recycling programs in the State, as specified, and (2) make recommendations on the opportunities and options for the State to increase recycling rates and implement an extended producer responsibility (EPR) program for consumer packaging materials. The analysis must include an evaluation of (1) the amount and type of waste generated; (2) existing municipal and county waste management in the State; (3) existing laws and regulations that may be applicable to the implementation of an EPR program; (4) the costs and benefits of implementing an EPR program; (5) the potential environmental impact of an EPR program; (6) the best practices to follow from successful EPR programs in other areas; and (7) the location, processing capacity, and consumption capacity of existing waste processors and manufacturers to determine methods for maximizing the circulation of diverted waste. In conducting the above activities, MDE must consult with appropriate local officials and stakeholders, as specified. MDE must report its findings and recommendations to the Governor and specified committees of the General Assembly by December 1, 2023. **The bill takes effect July 1, 2023.**

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**Fiscal Summary**

**State Effect:** MDE advises that it is largely already collecting the required information and researching related items. Thus, MDE can implement the bill with existing budgeted resources. State revenues are not affected.

**Local Effect:** Local government operations and finances are not materially affected; it is assumed that any local officials that consult with MDE can do so with existing budgeted resources.

**Small Business Effect:** Minimal or none.

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## Analysis

### Current Law:

#### *Solid Waste Infrastructure in the State, Generally*

The solid waste infrastructure in Maryland consists of both permitted and nonpermitted facilities, and solid waste is managed through a combination of recycling, composting, landfilling, energy recovery, and exporting for disposal or recycling. There are several examples of regional waste management partnerships in the State.

#### *Maryland Recycling Act*

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 recycle at least 20% or 35% of the county's solid waste stream, depending on the county's population. Each county (including Baltimore City) must also prepare a recycling plan that addresses how the jurisdiction will achieve its mandatory recycling rate. The plan must be submitted to the Office of Recycling within MDE 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*.

According to MDE, the *Maryland Solid Waste Management and Diversion Report* includes information about the amount and type of waste generated and existing municipal and county waste management in the State, including (1) recycling rates; (2) the amount of recyclable materials not being recycled; (3) methods of waste disposal; (4) recycling education and outreach; (5) existing laws and regulations that may be applicable to the implementation of an EPR program; and (6) the location, processing capacity, and consumption capacity of existing waste processors and manufacturers.

### *Annual Solid Waste Tonnage Reports*

Pursuant to § 9-1705 of the Environment Article, a county that has achieved its solid waste reduction goals under MRA must provide MDE with annual solid waste tonnage reports. Required information includes (1) the total amount, by weight, of solid waste collected; (2) the total amount, by weight, of solid waste disposed of at solid waste acceptance facilities; (3) the amount and types of materials recycled; (4) the methods of disposal of solid waste used, other than recycling; and (5) the percentage reduction in the amount of solid waste needing disposal that has been achieved. The county reports must be submitted by April 1 each year.

### *Recycling Market Development*

Pursuant to Chapters 289 and 290 of 2021, MDE's Office of Recycling is also required to promote the development of markets for recycled materials and recycled products in the State. Among other things, the Office of Recycling must (1) evaluate the availability of local, national, and international markets for recycled materials and products; (2) identify the recyclable materials representing the largest portion of the recycling waste stream; (3) identify businesses in the State that use recycled materials and opportunities for businesses in the State to increase their use of recycled materials; (4) establish and promote the "Maryland is Open for Recycling Business" campaign to attract new businesses to the State; and (5) provide advisory and technical services to support the development of markets for recycled materials and recycled products in the State.

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## **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland Environmental Service; Northeast Maryland Waste Disposal Authority; cities of College Park and Frostburg; Maryland Department of the Environment; Department of General Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2023  
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Analysis by: Kathleen P. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510