

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 768

(Senator Carter)(By Request - Baltimore City
Administration)

Education, Energy, and the Environment

Environment - Waste Haulers - Reporting Requirement

This bill requires each “waste hauler” that sold, transferred, or otherwise disposed of “waste” to a facility or disposal site located in the county to, by March 1 annually, submit a report to the county on waste disposal activities for the immediately preceding calendar year. The report – which is intended to assist the county in preparing its county solid waste report required under current law – must (1) be submitted on a form provided by the county; (2) include specified information regarding waste and waste disposal sites; and (3) include any other information required by the county. A waste hauler who violates the bill’s provisions is subject to a civil penalty of up to \$50 for each day a violation exists. The bill may be enforced by any enforcement unit, officer, or official of a county, municipality, or other local government. Any penalties collected pursuant to the bill must be paid to the entity that brought the enforcement action.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations. Any increase in waste disposal costs for State agencies is likely minimal.

Local Effect: To the extent a local government chooses to enforce the bill, local expenditures may increase for enforcement activities, and local revenues may increase from any civil penalties collected. Local government finances are not otherwise anticipated to be materially affected. It is assumed that counties can develop the required forms with existing resources and that any increase in waste disposal costs for local agencies is likely minimal. The additional data reported by waste haulers likely helps counties fulfill reporting obligations under the Maryland Recycling Act (MRA).

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Waste hauler” means a person that is contracted to collect or haul waste. “Waste” means solid waste, organic material capable of being composted, and recyclable materials.

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 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 the Maryland Department of the Environment (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*.

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.

Additionally, as part of their refuse disposal permit requirements, all permitted solid waste acceptance facilities are required to provide an annual report to MDE that identifies the amount of solid waste managed for the following solid waste categories: (1) municipal solid waste; (2) construction and demolition debris; (3) incinerator ash; (4) industrial waste; (5) land clearing debris; and (6) any other solid waste identified by MDE. Permitted facilities are also required to report how the solid waste was managed by identifying one or more of the following activities: (1) landfilling; (2) transferring for further management or final disposal; (3) processing; (4) incineration; and (5) recycling, which includes composting.

Small Business Effect: Costs may increase, at least initially, for small business waste haulers to purchase equipment or tracking systems to collect the data needed to submit the required reports. MDE notes that for any waste haulers that operate in multiple counties, the hauler potentially needs to keep track of multiple different reporting forms developed by different counties. It is assumed that waste haulers will pass on any increases in costs to their customers. As a result, small businesses that generate waste may incur additional costs for waste disposal services.

Additional Information

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

Designated Cross File: HB 609 (Delegate Smith)(By Request - Baltimore City Administration) - Environment and Transportation.

Information Source(s): Maryland Department of the Environment; Maryland Environmental Service; Northeast Maryland Waste Disposal Authority; Frederick County; City of Havre de Grace; Department of Legislative Services

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