



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

March 4, 2020

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
House Office Building, Room 251
Annapolis, MD 21401

Re: House Bill 1538 - Environment - Waste Haulers - Reporting Requirement

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed House Bill 1538 entitled *Environment - Waste Haulers - Reporting Requirement* and we would like to provide information regarding this proposed legislation.

Beginning January 1, 2021, the proposed legislation would require a waste hauler to submit to MDE a semiannual report on the actual tonnage of waste collected or hauled by the waste hauler during the reporting period. The report would need to include the tons of waste collected or hauled by type of waste and generator and the name and location of each facility and disposal site to which waste was delivered during the reporting period. MDE would be authorized to use the information provided in a report to prepare a summary of waste hauling statistics in the State. MDE would be required to enforce the reporting requirement and adopt regulations to implement the proposed reporting requirement. To implement the proposed legislation, MDE would need to hire three full-time positions in FY 2021, which would require general funds.

Under the Maryland Recycling Act (MRA), each county must plan for and achieve a minimum recycling rate of either 20 or 35 percent, depending on population. Also under the MRA, a county must report to MDE on an annual basis the tonnage of solid waste collected and disposed of at solid waste acceptance facilities, the tonnage and types materials recycled, the methods in which solid waste was disposed, and the percentage of solid waste stream reduction achieved during the reporting period. To collect the required information to be reported to MDE, some counties require haulers to report the tonnage and composition of materials hauled to the county. Cecil County requires county-licensed commercial refuse haulers to maintain, and to make available to the county upon request, records of municipal solid waste and/or source-separated recyclable materials collected in the county, and to submit semiannual reports to the county that provide the total weight of source-separated recyclable materials collected each month from within the county that are not disposed at a Cecil County solid waste disposal facility. Montgomery County requires a collector or hauler to submit a semiannual report to the county that describes the amount and type of solid waste or recycling collected, hauled or transported.

Permitted solid waste acceptance facilities and composting facilities located in Maryland are required to annually report to MDE the tonnage and type of materials collected, processed, recycled, or disposed. The tonnage and composition data reported to MDE by waste haulers under the proposed legislation would be partially duplicative of data already reported by Maryland counties and permitted facilities. The data reported under this bill would include a more complete accounting of business recycling data because it would capture business recycling that does not pass through a county recycling facility or a Maryland permitted solid waste

acceptance facility. Currently, businesses in most counties are not required to report their recycling tonnages, though they may do so voluntarily. However, it would be very difficult to use the additional information in calculating county recycling rates, since this would require identifying and removing tonnages already captured in the facility- and county-reported data and confirming that materials delivered to recycling facilities (including out of state) were actually recycled.

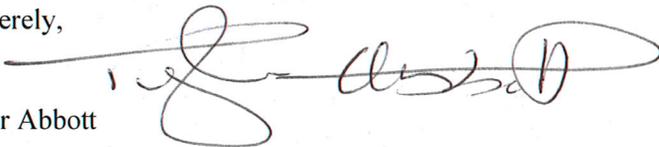
As currently drafted, the definitions established in the proposed legislation overlap to some extent with existing definitions in statute. The proposed legislation defines "waste" as items intended for recycling, organic waste, and solid waste. The Environment Article contains existing definitions of similar terms, but these definitions are not referenced in the bill's definition of "waste," so it is unclear whether the scope of the term is intended to mirror those other terms or to be broader. For example, "solid waste" is defined in § 9-101, and this definition is applicable to the entire Title 9, including the proposed legislation's provisions. "Recyclable materials" is defined in § 9-1701, but the proposed legislation instead uses the phrase "items intended for recycling." The term "organic waste" is not defined in the Environment Article, but the existing definitions for "solid waste" under § 9-101 and "solid waste stream" under § 9-1701 include certain "organic material capable of being composted." Also, although the terms "composting facility," "refuse disposal system," and "resource recovery facility" are cross-referenced to their existing definitions in the Environment Article, the term "recycling facility" is not cross-referenced to its existing definition in § 9-1713.

A "waste hauler" is defined as a person that is contracted to collect or haul waste from a generator and transport waste for composting, disposal, or recycling at a facility or disposal site that is separate from the generator, including a composting facility, a landfill, an organics recycling facility, a recycling facility, a refuse disposal system (which is inclusive of a landfill under the existing definition in § 9-201), and a resource recovery facility. Under the proposed legislation, MDE-regulated haulers of controlled hazardous substances, special medical waste, scrap tires, and class B sewage sludge may be subject to the proposed reporting requirements. MDE also believes animal feeding operations contracted to haul animal waste from another facility to be land applied on their property would also be subject to the proposed reporting requirement.

All of these regulated communities, except for controlled hazardous substance haulers, are already required to report to MDE at least annually or upon the request of MDE. Controlled hazardous substance haulers are required under federal regulations to record their hauling activities on a hazardous waste manifest, which are accessible to MDE after the final recipient of the waste submits the hazardous waste manifest to the U.S. Environmental Protection Agency. Some waste haulers could be regulated under another MDE license or approval and would be subject to the reporting requirements for that license or approval. The proposed legislation, as drafted, would add additional reporting requirements to regulated haulers already required to either record or report their hauling activities to MDE.

Thank you for your consideration. We will continue to monitor House Bill 1538 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,



Tyler Abbott

cc: The Honorable Stephanie Smith
Ms. Kaley Laleker, Director, Land and Materials Administration