



March 31, 2021

The Honorable Paul G. Pinsky, Chair
Senate Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401

Re: House Bill 807 - Task Force on Recycling Policy and Recycling and Waste Systems in Maryland

Dear Chairman Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed House Bill 807 entitled *Task Force on Recycling Policy and Recycling and Waste Systems in Maryland*, and would like to share additional information regarding this bill.

House Bill 807 would establish the Task Force on Recycling Policy and Recycling and Waste Systems in Maryland. The bill would require MDE to establish and participate in the task force. The task force is charged with reviewing the Maryland Recycling Act (MRA), studying the recycling and waste systems in Maryland, and making recommendations on how to update the MRA and the feasibility of implementing regional recycling and waste disposal facilities. On or before June 30, 2022, the task force would be required to report its findings and recommendations to the General Assembly. The Secretary of the Environment would be required to designate a chair for the task force, appoint several specified members, and participate or designate a MDE representative to participate on the task force. Additionally, MDE would be required to staff the task force.

The MRA serves as the primary law governing waste diversion in Maryland. In order to be considered a MRA material that counts toward a county's MRA recycling rate, the material must be defined as a "recyclable material" and be included in the "solid waste stream" definition under §9-1701 of the Environment Article. Recyclable materials are defined as those materials that would otherwise become solid waste for disposal in a refuse disposal system and may be collected, separated, composted, or processed and returned to the marketplace in the form of raw materials or products. Solid waste stream is defined as garbage or refuse that would, unless recycled, be disposed of in a refuse disposal system and includes organic material capable of being composted that is not composted in accordance with MDE's composting facility 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. To capture additional materials in the calculation of the MRA recycling rate, the defined term "solid waste stream" would need to be amended to include those materials.

When questions arise under current law whether a material should count toward the MRA recycling rate, MDE uses the guidelines developed by the U.S. Environmental Protection Agency (EPA) and their *Measuring Recycling: A Guide for State and Local Governments* document. Except for certain reusable materials (e.g., retread tires, refurbished pallets, etc.) and industrial materials that, if not recycled, would have been disposed of in a solid waste acceptance facility not dedicated solely for the management of that entity's waste, Maryland and EPA count similar materials in their recycling rates. However, EPA is presently working to update its methodology for measuring the national recycling rate as part of its goal to increase the U.S. recycling goal to 50 percent by 2030. EPA explained that this national goal will provide the benchmark to evaluate the success of collective efforts to improve the nation's recycling system. EPA is currently reviewing public comments to inform the methodology and identify key data points that the agency may include when calculating the national recycling rate as it relates to: sources of recyclable material; material streams; material management pathways; material destination; and other considerations.

Under the MRA, each county and Baltimore City are required to recycle either 20 or 35 percent of its waste depending on population size. The law also establishes a statewide waste diversion rate, which is defined as the sum of the MRA recycling rate plus a source reduction credit of up to 5 percent. Counties can earn a source reduction credit through activities designed to reduce the amount of waste going to the waste stream. If additional materials were used to calculate a county's MRA recycling rate, the mandated MRA recycling rates themselves would need to be increased. Failure to do so would make the current mandated rates of 20 and 35 percent serve little purpose in encouraging continuous improvement in recycling.

In 2017, Governor Hogan signed the executive order entitled *Resource Recovery Plan for Maryland*, which required MDE to consult with stakeholders and recommend to the governor, among other things, voluntary statewide goals to encourage continuous improvement in sustainable materials management. In making these recommendations, MDE sought to incorporate principles of the State's sustainable materials management policy, also established in the executive order. Goals and metrics that take a sustainable materials management approach should: consider the impacts of materials management throughout the entire lifecycle of products; be linked to the State's environmental goals; account for the differences in impacts from different types of materials; and seek to incorporate the most comprehensive data available. In 2019, MDE published its final goals and metrics recommendations, which establish voluntary goals to reduce per capita waste generation, statewide greenhouse gas emissions and energy usage related to materials management, and material-specific recycling rates.

MDE is supportive of cooperative and creative means of providing for environmentally responsible disposal and recycling. In fact, several examples of regional cooperation in Maryland exist. MDE does not have extensive experience or expertise in siting or funding disposal and recycling facilities. Therefore, in the development of the recommendations and report, MDE will rely heavily on the expertise and input of task force members. The Maryland Environmental Service (MES) and the Northeast Maryland Waste Disposal Authority (NMWDA), both task force members, assist counties in developing, financing, and operating disposal and recycling facilities. MES operates the Midshore Regional Solid Waste System that serves the solid waste

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disposal and recycling needs of Talbot, Caroline, Kent, and Queen Anne's counties. NMWDA assists Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, and Montgomery counties and Baltimore City with the planning and development of waste management and waste-to-energy systems by serving as a regional coordinating agency and a financing vehicle for facilities.

Thank you for your consideration. We will continue to monitor House Bill 807 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 tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

cc: The Honorable Sara Love
Kaley Laleker, Director, Land and Materials Administration