



Maryland

Department of the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

February 2, 2022

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

Re: House Bill 217 - Task Force on Recycling Policy and Recycling and Waste Systems in Maryland

Dear Chairman Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed HB 217 entitled *Task Force on Recycling Policy and Recycling and Waste Systems in Maryland*, and would like to share additional information regarding this bill.

HB 217 would establish the Task Force on Recycling Policy and Recycling and Waste Systems in Maryland (Task Force). The Task Force would be charged with reviewing the Maryland Recycling Act (MRA), studying the recycling and waste systems in Maryland, and making recommendations on updating the MRA and the feasibility of implementing regional recycling and waste disposal facilities. The report of the Task Force's findings and recommendations would be due to the legislature on June 30, 2023. MDE would be required to designate a chair for the Task Force, appoint several specified Task Force members, participate as a member on the Task Force, and staff the Task Force.

The MRA serves as the primary law governing waste diversion in Maryland, and establishes mandatory county recycling rates and a voluntary statewide waste diversion rate. To be considered an MRA material that counts toward a county's MRA recycling rate, the material must be a "recyclable material" and included in the "solid waste stream." Section 9-1701 of the Environment Article defines "recyclable materials" 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. The statute also defines "solid waste stream" 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. 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 are materials not included in the "solid waste stream" definition.

To capture additional materials in the calculation of MRA recycling rates, the definition of "solid waste stream" would need to be amended to include those materials. If additional materials were used to calculate county MRA recycling rates, the statutory MRA recycling rates themselves would need to be increased. Failure to do so would make the current mandated rates of 20 and 35%, depending on population size, serve little purpose in encouraging continuous improvement in recycling.

MDE collects data from counties on non-MRA recycling and publishes the tonnage of all MRA and non-MRA materials reported as recycled in the annual Maryland Solid Waste Management and Diversion Report. MDE has also established metrics and corresponding voluntary statewide goals to be achieved by 2035, which allow MDE to measure the state's achievement of its sustainable material management goals. Beginning in 2019, MDE tracks reductions in waste generation per capita, greenhouse gas emissions and energy usage associated with materials management, and material-specific recycling rates. The voluntary goals for each metric are intended to be accomplished statewide, both geographically and in terms of industry sectors, unlike the mandated county MRA recycling rates. The state's status in meeting the voluntary goals is included in the Maryland Solid Waste Management and Diversion Reports, starting with CY20.

MDE is responsible for overseeing counties' overall solid waste and recycling planning through the review of 10-year solid waste management plans. Among other things, the plans require counties to evaluate needs for waste disposal and identify the facilities that will be used to meet those needs. While these broad requirements are overseen at the state level, individual counties determine how they will provide for solid waste disposal and recycling according to local needs. For this reason, MDE is not generally involved in the siting or funding of solid waste acceptance and recycling facilities. Therefore, Task Force members would be relied upon for this type of expertise.

Several examples of regional cooperation regarding solid waste and recycling systems exist in Maryland. Baltimore and Harford Counties have an existing agreement in which some of Harford County's waste is processed through the transfer facility at the Baltimore County Eastern Sanitary Landfill Solid Waste Management Facility. The Maryland Environmental Service (MES) and the Northeast Maryland Waste Disposal Authority (NMWDA), required members of the proposed Task Force, both assist counties in developing, financing, and operating solid waste acceptance and recycling facilities. MES operates the Midshore Regional Solid Waste System that serves the solid waste disposal and recycling needs of Talbot, Caroline, Kent, and Queen Anne's counties. The 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 HB 217 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,



Tyler Abbott

cc: Kaley Laleker, Director, Land and Materials Administration