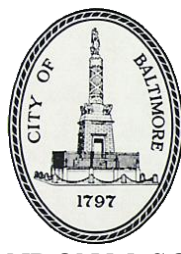


SB768-EEE-FAV.pdf

Uploaded by: Brandon Scott

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 768

February 23, 2023

TO: Members of the Senate Education, Energy, and the Environment Committee

FROM: Mayor Brandon M. Scott, City of Baltimore

RE: Senate Bill 768 – Environment – Waste Haulers – Reporting Requirements

POSITION: SUPPORT

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that my Baltimore City Administration (BCA) **supports** Senate Bill 768.

Senate Bill 768 would require certain waste haulers to submit a report on waste disposal activities to a certain county in a certain manner on or before March 1, 2024 and every March 1st thereafter; establish a certain penalty for a violation of this Act; provide for the enforcement of this Act and the distribution of certain penalties; and generally relating to reporting requirements for waste haulers.

Each county must submit to the Maryland Department of Environment (MDE) an annual Maryland Recycling Act (MRA) Tonnage Reporting Survey, which details the quantity of materials generated in the public and private sectors that are recycled and diverted from the solid waste stream each year. The amount of public and private waste generated within or brought into a county is the baseline tonnage that MDE uses to calculate a county's recycling rate. The more data a county has on diverted or recycled waste materials, the higher the calculated recycling rate. However, many jurisdictions aren't reaching the State-mandated recycling goals because businesses, multi-family dwellings and office buildings are not reporting on their recycling activities, even if they are required by law to recycle. For Baltimore City, staff currently attempt to track down private sector recycling data which involves persistent outreach via multiple communication channels. Despite the effort dedicated to outreach each year, the City only receives a small fraction of completed forms. This legislative request would make it mandatory for waste, recycling, and organic waste haulers in the State of Maryland to report the types, quantities, and destinations of materials that were disposed of, sold or transferred to the appropriate county government on an annual basis.

Getting this data directly from haulers, who typically are tracking tonnages for billing purposes, would result in a significantly improved and more accurate accounting of recycling, diversion and reporting rates for every county. Requiring haulers to report their waste, recycling, and organics diversion tonnages is a small but impactful step these haulers could take to help Baltimore City and other counties more accurately report recycling and diversion activities, as well as reach their recycling goals. In addition, many haulers are already required to report their hauling tonnages to some of the State's counties. Montgomery County, for example, passed a regulation similar to SB 768 requirements in 2013 and now has one of the highest MRA rates in the State. They

require haulers to report bi-annually, and non-compliance constitutes county code violations starting at \$150 per day.

Overall, this reporting mandate will improve the ability of counties to accurately track and report on their entire solid waste stream, helping the State reach its MRA goals, but also developing a detailed understanding of organics hauling and recycling participation across the private sector. This data could be leveraged to help local governments identify where recycling and diversion activities need to be better supported, and what additional services or infrastructural developments are needed to reach State and local sustainability goals.

It is for the reasons stated above that I respectfully request a **favorable** report on SB 768.

SB0768-EEE_MACo_SUP.pdf

Uploaded by: Dominic Butchko

Position: FAV



Senate Bill 768

Environment - Waste Haulers - Reporting Requirement

MACo Position: **SUPPORT**

To: Education, Energy, and the Environment
Committee

Date: February 23, 2023

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** SB 768. This bill would require contracted waste haulers and collectors to report certain data to the counties on a yearly basis.

Annually, counties are required to submit to the Maryland Department of the Environment (MDE) an MRA Tonnage Reporting Survey, which details the quantity of materials generated in the public and private sectors that are recycled and diverted from the solid waste stream each year. However, many jurisdictions aren't reaching the state-mandated recycling goal because businesses, multi-family dwellings, and office buildings are not reporting on their recycling activities, even if they are required by law to recycle.

SB 768 asks haulers to do their part in accurately tracking the flow, diversion, and in some cases, final destination of waste. This reporting, which to some extent is already being done by haulers for billing purposes, would result in significantly improved recycling, diversion, and reporting rates for the counties.

Overall, the data collected as a result of SB 768 will be leveraged to help local governments identify where recycling and diversion activities need to be better supported, and what additional services or infrastructural developments are needed to reach state and local sustainability goals. For these reasons, MACo **SUPPORTS** SB 768 and urges a **FAVORABLE** report.

SB0768 Written Testimony_Smith Industries.pdf

Uploaded by: Brian Benko

Position: FWA

BILL: Senate Bill 0768
COMMITTEE: Education, Energy, and the Environment
DATE: February 23, 2023
POSITION: FAVORABLE WITH AMENDMENTS

Smith Industries, Inc. respectfully requests a **favorable report with amendments on Senate Bill 0768.**

Smith Industries, Inc. is a part of the critical manufacturing sector as we are a manufacturer of steel, iron and aluminum products. We operate 20 scrap metal recycling and processing facilities throughout MD, DE, VA, PA and WV, with over 650 employees. Nine of these facilities are located within the following Maryland Counties: Allegany, Baltimore, Caroline, Carroll, Frederick, Harford, Prince George's, and Wicomico.

We purchase scrap metal materials (recyclable materials) from the general public, and we also utilize our own fleet of trucks to transport scrap metal from our business consumers to our facilities.

***Strike clause 9-1705.1(A)(2)(III) from Line 19 on Page 2:**

Scrap Metal/Recyclable Materials Are Not Waste

This Bill is problematic in that it will label recyclables as waste. It is paramount to the recycling industry that governments seeking to collect data on recyclable materials acknowledge that **recyclables are not waste and recycling is not disposal**. Solid waste by definition is that which has been discarded (e.g. refuse, garbage, putrescible materials and offal). Recyclable materials that are given, sold, donated or otherwise transferred in commerce are not discarded and therefore are clearly not waste. A recyclable material that was not destined for a landfill or has been diverted from the solid waste stream has intrinsic value and is not discarded; it never enters the realm of solid waste. Recyclable materials do not require management as solid waste and thus do not require regulation as solid waste. Thus, it is imperative that any reporting of recycling activities be clearly distinguished from solid waste management; recyclable materials reports should be separate and distinct from any solid waste reports. It is imperative that the distinction between recyclable materials and solid waste is clearly made. Notwithstanding the fact that recyclable materials processed by private sector recyclers are not solid waste, the efforts of the private sector recycling industry contribute significantly to the reduction of solid waste that is managed through landfilling or incineration. However, **recycling and solid waste management are two different activities and should reporting of these activities be deemed necessary, they should be accounted for separately.**

***Strike clause 9-1705.1(B)(2)(III) from Lines 5-6 on Page 3:**

Only Count That Which Is Appropriate

This Bill further complicates things by allowing the County to require any information that they want. There is nothing to stop a County from requiring that haulers submit proprietary information, including customer lists and business expenses. Furthermore, our trucking fleet hauls hundreds of loads every week so we would never have the capability to itemize each load by customer. **Reporting should be limited to tonnages of materials handled. Governmental entities have no need for information pertaining to vendors or customers or the cost of recyclable materials purchased or the sales price for the finished product that is sold.**

Thank you for the opportunity to submit testimony in **support with amendments of Senate Bill 0768.**

Brian Benko, Information Officer
Smith Industries, Inc.

SB 768 - MoCo_Shofar_SWA (GA 23).pdf

Uploaded by: Steven Shofar

Position: FWA



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 768

DATE: February 23, 2023

SPONSOR: Senator Carter

ASSIGNED TO: Education, Energy, and the Environment

CONTACT PERSON: Steven Shofar (steven.shofar@montgomerycountymd.gov)

POSITION: Support with Amendments (Department of Environmental Protection)

Environment – Waste Haulers – Reporting Requirement

The Montgomery Department of Environmental Protection (DEP) supports Senate Bill 768 *Environment – Waste Haulers – Reporting Requirements* with one amendment. Senate Bill 768 requires a waste hauler that sold, transferred, or otherwise disposed of waste in a county to submit a report on waste disposal activities to the county on or before March 1 of each year. The bill also establishes that a waste hauler that does not comply with this requirement is subject to a civil penalty not exceeding \$50 for each day on which the violation exists.

Montgomery County already has waste hauler reporting requirements in place that assist the County in the accurate calculation of recycling rates. DEP has found that the reporting requirements are not burdensome to the waste haulers and has not experienced many compliance issues. Given that Montgomery County already has waste hauler reporting requirements, DEP wants to be assured that enactment of this bill does not preempt the County's existing laws and regulations. Therefore, DEP requests that the bill be amended to add a new subsection (f) to §9-1705.1 that includes the following language:

Nothing in this section precludes a county or municipality from establishing different or additional waste hauler reporting requirements and penalties for violation of those requirements.

With this amendment, DEP supports Senate Bill 768 and requests that the Education, Energy, and the Environment Committee give the bill a favorable report.

cc: Education, Energy, and the Environment Committee Members

SB 768 FWA FCG OCE Testimony LS23 JF.pdf

Uploaded by: Victoria Venable

Position: FWA



JESSICA FITZWATER
COUNTY EXECUTIVE
FREDERICK COUNTY, MARYLAND

SB 768 – Environment - Waste Haulers - Reporting Requirement

DATE: February 23, 2023
COMMITTEE: Senate Education, Energy, and the Environment Committee
POSITION: Favorable with Amendments
FROM: Frederick County Executive Jessica Fitzwater

As the County Executive of Frederick County, I urge the committee to give SB 768 – Environment - Waste Haulers - Reporting Requirement a favorable report with amendments.

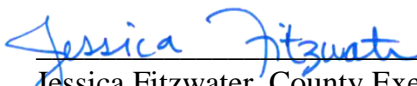
This bill requires waste haulers that dispose of waste to a facility in a county to submit a report on waste disposal activities. Frederick County supports this initiative and sees the need for this information sharing. We believe that a minor amendment requiring the report to include information about where the waste was generated and collected is needed. Information about the origin is important for the State and Counties to have because it impacts our recycling rates.

As part of the Maryland Department of the Environment’s reporting requirements, all waste must be assigned to a jurisdiction and used to determine recycling and waste diversion rates. When MDE has incomplete information, this waste is often assigned to the incorrect jurisdiction, leading to inaccurate recycling rates. A simple requirement to report the waste generation and collection location will address this ongoing problem and help MDE more effectively complete its reporting tasks.

Our team has discussed this minor change with the Baltimore City team who has indicated support for this amendment.

Thank you for your consideration of SB 768 – Environment - Waste Haulers - Reporting Requirement. I urge the committee to give this bill a favorable report with amendments.

Respectfully,



Jessica Fitzwater, County Executive
Frederick County, MD

SB0768_UNF_NWRA_Env. - Waste Haulers - Reporting R

Uploaded by: Pam Kasemeyer

Position: UNF

Maryland-Delaware Solid Waste Association

a chapter of the

**National
Waste & Recycling
AssociationSM**

Collect. Recycle. Innovate.

TO: The Honorable Brian J. Feldman, Chair
Members, Senate Education, Energy, and the Environment Committee
The Honorable Jill P. Carter

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Andrew G. Vetter
410-244-7000

DATE: February 23, 2023

RE: **OPPOSE** – Senate Bill 768 – *Environment – Waste Haulers – Reporting Requirement*

The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **oppose** Senate Bill 768.

Senate Bill 768 requires waste haulers to report information on the amount and type of waste disposed of at a recycling facility or disposal site located in that County. MDSWA appreciates that the intent of this legislation is to assist Counties in meeting their reporting requirements regarding waste disposal and recycling. However, while certain Counties may find challenges in collecting the relevant data, MDSWA would respectfully assert that the provisions of this legislation create a reporting requirement which is impossible for waste haulers to perform.

Under current law, material recycling facilities (MRFs), which accept the majority of recyclables in the State that are collected for processing, already report to each County the volume of materials that are received from each jurisdiction. Instituting a separate reporting requirement for haulers would create confusion and would not produce data that is not already reported to the Counties. Furthermore, haulers do not necessarily know the weight or volume of a load. This information is determined at the disposal facility or MRF when the hauler delivers the load to the facility. It is why the MRFs provide the information to the Counties. In addition, the landfills that accept waste for disposal are publicly owned and operated by the Counties and the data regarding volume for disposal is therefore also already captured. Finally, commercial waste collection, processing, and disposal often involve collection routes for which a hauler cannot specifically define volumes and weight associated with any given load which also may have been collected from more than one jurisdiction. Once again, the reporting requirements by disposal and processing facilities will provide the Counties with more reliable data.

MDSWA understands that some jurisdictions want to ensure they are getting the relevant data they need to complete their reporting requirements. To that end, separate legislation, House Bill 109, which creates a Task Force to review Maryland's recycling policy and recycling and waste systems would be an appropriate mechanism to determine how Counties could receive timely and reliable data to assist them with their reporting requirements. MDSWA respectfully requests that Senate Bill 768 receive an unfavorable report and that if the Committee chooses to advance House Bill 109, that the charge of the Task Force include evaluating mechanisms to improve relevant data reporting to Counties.