

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Robert M. Summers, Ph.D., Acting Secretary

BILL NO: **House Bill 179**

COMMITTEE: **Environmental Matters**

POSITION: **Support with Amendments**

TITLE: **Environment - Recycling – Apartment Buildings and Condominiums**

BILL ANALYSIS: The bill adds a new §9-1711 to the Environment Article and will require property owners or managers of apartment buildings or condominiums with ten or more dwelling units to provide recycling collection and removal for further recycling of recyclable materials. In addition, the bill requires that the County Recycling Plan required in §9-1703 of the Environment Article address the collection and recycling of recyclable materials from residents by property owners or managers of apartment buildings and condominiums. It also provides authority for any enforcement unit, officer, or official of the State or county to enforce the bill's provisions. The bill provides for a civil penalty not exceeding \$50 per day on which the violation exists for any person who violates this bill and disbursement of those penalties to the county where the violation occurred.

POSITION AND RATIONALE: The Department supports House Bill 179 with amendments. The Climate Action Plan report by the Maryland Commission on Climate Change indicates that significant greenhouse gas emissions and carbon reductions can be achieved through recycling.

The Department is offering amendments that would clarify county authorities, provide for a separate effective date for the requirement for county recycling plan amendments, clarify the recycling activities that would be acceptable in apartment buildings and condominiums, remove the State from the enforcement activities associated with the apartment buildings and condominiums, require annual recycling activity reports by apartment building and condominium owners or managers, and provide inspection authority for enforcement of the bill.

The first amendment would clarify that counties could implement their own authority to set a civil penalty and would add a clarification that a County is not required to manage or enforce this bill within a municipality.

The second amendment would clarify that the collection and removal for further recycling of recyclable materials collected from residents of apartment buildings and condominiums must be in compliance with county recycling plans. This is necessary because without this amendment, the enforcing authority will not be able to determine what level or type of recycling would allow the owners and managers to be in compliance with the law.

In addition, the second amendment also would require the apartment building and condominium owners or managers to report annually to the counties on the type and amount of materials

collected and recycled and the amount of waste disposed, and information regarding the contractors that collected the recyclable materials and waste disposed. The Department suggests that the owners and managers report to their respective counties annually on these recycling activities by no later than March 1st of the following year. This will allow the counties to collect the information necessary for them to compile and accurately and completely report their counties' recycling activities annually to the Department. Capturing these recycling activities is essential to the State reaching its recycling goals under the Climate Action Plan.

The third amendment will provide inspection authority for the enforcement unit, officer, or official of the county to enforce the provisions related to the responsibilities of the property owners and managers of apartment buildings and condominiums. This amendment would also remove the State from the enforcement activities, because recycling activities are under the control of the counties, not the State, and the penalties from enforcement activities are to be paid to the county where the violation takes place, not to the State.

The fourth amendment provides for a separate implementation date for the counties to revise their 10-year solid waste management plans. These plans, including the recycling plan, must be reviewed for revision every three years. Some plans have just been revised and it could be burdensome to require those counties to revise their recycling plans again so soon. In addition, some counties have lengthy public participation processes. The failure to provide a date by which the counties must amend their plans may cause difficulty for property owners and managers in their efforts to comply with the law by October 1, 2015 if they are unsure if their strategies for providing recycling would be acceptable to the counties. The Department suggests that county plans be amended by October 1, 2013 to allow counties sufficient time for public comment on this activity and for apartment building and condominium owners and managers time to implement their recycling strategies.

FOR MORE INFORMATION,
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BY: Maryland Department of the Environment

AMENDMENTS TO HOUSE BILL 179

(First Reading File Bill)

AMENDMENT NO. 1

On page 3 in line 8 after “REQUIREMENTS” insert “OR SET A CIVIL PENALTY” and in line 10 after “SECTION.” insert “(3) THIS SECTION DOES NOT REQUIRE A COUNTY TO MANAGE OR ENFORCE THE RECYCLING ACTIVITIES OF AN APARTMENT BUILDING OR CONDOMINIUM THAT IS LOCATED WITHIN THE BOUNDARIES OF A MUNICIPALITY.”

AMENDMENT NO. 2

On page 3 in line 14 after “UNITS,” insert “IN ACCORDANCE WITH THE RECYCLING PLAN REQUIRED UNDER §9-1703 OF THIS SUBTITLE.”.

On page 3 in line 16 strike “AND” and in line 18 after “UNITS” insert “; AND (3) ON OR BEFORE MARCH 1 EACH YEAR, REPORT TO THE COUNTY IN WHICH THE APARTMENT BUILDING OR CONDOMINIUM IS LOCATED ON RECYCLING ACTIVITIES IN THE PRIOR CALENDAR YEAR, INCLUDING:

- (I) THE TYPE AND TONNAGE OF RECYCLABLE MATERIALS COLLECTED AND RECYCLED FROM THE DWELLING UNITS;
- (II) THE TONNAGE OF WASTE DISPOSED FROM THE DWELLING UNITS;
AND
- (III) INFORMATION REGARDING THE CONTRACTORS THAT COLLECTED THE RECYCLABLE MATERIALS AND THE WASTE DISPOSED”.

AMENDMENT NO. 3

On page 3 in line 7 after “A” strike “LOCAL GOVERNING BODY” and insert “COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT”

On page 3 in line 27 after “OF” strike “THE STATE OR OF”; in line 28 after “COUNTY” insert “, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT”; in line 28 after “STATE” strike “SHALL” and insert “MAY CONDUCT INSPECTIONS OF AN APARTMENT BUILDING OR CONDOMINIUM AND”; in line 31 after “BE” strike “DISBURSED” and insert “PAID” and after “COUNTY” strike “WHERE THE VIOLATION OCCURRED” and insert “, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT THAT BROUGHT THE ENFORCEMENT ACTION”.

AMENDMENT NO. 4

On page 4 in line 5, after “2011” insert “, except for changes to Section 9-1703 which will take effect October 1, 2013”.