

Chapter 376

(House Bill 124)

AN ACT concerning

Environment – Solid Waste and Recycling Facilities

FOR the purpose of requiring the Department of the Environment to adopt certain regulations relating to recycling facilities, including conditions for permit exemptions; providing that certain enforcement provisions apply to certain violations; requiring the Department to convene and consult with a certain workgroup in developing certain regulations; requiring the workgroup to include representatives of certain entities; altering certain defined terms; defining certain terms; and generally relating to solid waste and recycling.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–101(j)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–1701(m), (n), and (o)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Environment

Section 9–1713 to be under the amended part “Part II. Recyclable Materials and Recycling Facilities”

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

9–101.

(j) (1) “Solid waste” means any garbage, refuse, sludge, or liquid from industrial, commercial, mining, or agricultural operations or from community activities.

(2) “Solid waste” includes:

(i) Scrap tires as defined in § 9–201 of this title; [and]

(ii) Organic material capable of being composted that is not composted in accordance with regulations adopted under § 9–1725(b) of this title;

(III) MATERIALS THAT ARE MANAGED AT A RECYCLING FACILITY AND ARE NOT RECYCLABLE MATERIALS AS DEFINED IN § 9–1701 OF THIS TITLE; AND

(IV) RECYCLABLE MATERIALS AS DEFINED IN § 9–1701 OF THIS TITLE THAT ARE NOT:

1. RETURNED TO THE MARKETPLACE IN THE FORM OF A RAW MATERIAL OR PRODUCT WITHIN 1 CALENDAR YEAR FROM THE TIME THE RECYCLABLE MATERIALS ARE RECEIVED; OR

2. OTHERWISE MANAGED IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 9–1713 OF THIS TITLE.

(3) “Solid waste” does not include:

(i) Solid or dissolved material in domestic sewage or in irrigation return flows;

(ii) Compost as defined in § 9–1701 of this title; [or]

(iii) Organic material capable of being composted that is composted in accordance with regulations adopted under § 9–1725(b) of this title; **OR**

(IV) MATERIALS THAT ARE MANAGED AT A RECYCLING FACILITY IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 9–1713 OF THIS TITLE.

9–1701.

(m) “Recyclable materials” means those materials that:

(1) Would otherwise become solid waste for disposal in a refuse disposal system; and

(2) May be collected, separated, composted, or processed and returned to the marketplace in the form of raw materials or products.

(n) (1) “Recycling” means any process in which recyclable materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(2) “Recycling” includes composting.

(o) “Recycling services” means the services provided by persons engaged in the business of recycling, including the collection, processing, storage, purchase, sale, or disposition of recyclable materials.

Part II. Recyclable Materials AND RECYCLING FACILITIES.

9-1713.

(A) (1) IN THIS SECTION, “RECYCLING FACILITY” MEANS A FACILITY THAT PROVIDES RECYCLING SERVICES.

(2) “RECYCLING FACILITY” DOES NOT INCLUDE:

(I) A COMPOSTING FACILITY;

(II) A FACILITY THAT REQUIRES A NATURAL WOOD WASTE RECYCLING FACILITY PERMIT IN ACCORDANCE WITH THIS SUBTITLE; ~~OR~~

(III) A FACILITY THAT REQUIRES A SEWAGE SLUDGE UTILIZATION PERMIT IN ACCORDANCE WITH SUBTITLE 2 OF THIS TITLE; OR

(IV) A FACILITY THAT SERVES AS A DROP-OFF AND COLLECTION POINT FOR RESIDENTIAL RECYCLABLE MATERIALS.

(B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:

(1) ESTABLISH CONDITIONS UNDER WHICH A RECYCLING FACILITY DOES NOT REQUIRE A REFUSE DISPOSAL PERMIT UNDER SUBTITLE 2 OF THIS TITLE; AND

(2) EXEMPT CERTAIN MATERIALS THAT ARE MANAGED AT A RECYCLING FACILITY FROM BEING DESIGNATED AS SOLID WASTE.

(C) THE REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS SECTION MAY INCLUDE:

(1) DESIGN, CONSTRUCTION, AND OPERATIONAL CONDITIONS FOR RECYCLING FACILITIES TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT AND MINIMIZE NUISANCES;

(2) A TIERED SYSTEM OF PERMITS OR APPROVALS FOR RECYCLING FACILITIES BASED ON THE ~~QUANTITY OF~~ MATERIAL MANAGED, THE METHODS OF

MANAGEMENT AND STORAGE, AND OTHER FACTORS DETERMINED BY THE DEPARTMENT TO BE APPROPRIATE; AND

(3) EXCEPTIONS TO ANY REQUIREMENT TO OBTAIN A RECYCLING FACILITY PERMIT OR APPROVAL.

(D) SECTIONS 9–334 THROUGH 9–342 OF THIS TITLE AND § 10–104 OF THIS ARTICLE APPLY TO VIOLATIONS OF:

(1) THIS SECTION;

(2) ANY REGULATION ADOPTED UNDER THIS SECTION; OR

(3) ANY ORDER OR PERMIT ISSUED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In developing the regulations applicable to recycling facilities required under this Act, the Department of the Environment shall convene and consult with a workgroup of affected stakeholders.

(b) The workgroup convened under subsection (a) of this section shall include representatives from:

(1) the Maryland Association of Counties;

(2) the Maryland–Delaware Solid Waste Association;

(3) the Maryland Environmental Service;

(4) the Northeast Maryland Waste Disposal Authority;

(5) the Maryland Recycling Network;

(6) businesses that will be directly impacted by the required regulations;

and

(7) any other organization or entity, as determined by the Department.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 4, 2017.