

# HOUSE BILL 603

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HB 1081/14 – ENV

5lr1067

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By: Delegates S. Robinson, Carr, Clippinger, Gilchrist, Kelly, Korman, A. Miller,  
Moon, Pendergrass, ~~and Platt~~ Platt, and Jalisi

Introduced and read first time: February 12, 2015

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Composting and Anaerobic Digestion Facilities~~ – Yard Waste and Food  
3 Residuals Diversion and Infrastructure Task Force

4 FOR the purpose of ~~altering certain provisions of law relating to the composting of yard~~  
5 ~~waste; requiring a certain person to ensure certain yard waste is recycled in a certain~~  
6 ~~manner beginning on a certain date; authorizing certain composting facilities and~~  
7 ~~anaerobic digestion facilities to be located at refuse disposal systems; requiring a~~  
8 ~~certain person to ensure certain food residuals are diverted from the solid waste~~  
9 ~~stream in a certain manner beginning on a certain date; requiring the Department~~  
10 ~~of the Environment to adopt certain regulations; defining certain terms; and~~  
11 ~~generally relating to composting and anaerobic digestion facilities~~ establishing the  
12 Yard Waste and Food Residuals Diversion and Infrastructure Task Force; providing  
13 for the composition, chair, and staffing of the Task Force; prohibiting a member of  
14 the Task Force from receiving certain compensation, but authorizing the  
15 reimbursement of certain expenses; requiring the Task Force to identify, evaluate,  
16 study, and make recommendations regarding certain matters; requiring the Task  
17 Force to report its interim and final findings and recommendations to the Governor  
18 and the General Assembly on or before certain dates; providing for the termination  
19 of this Act; and generally relating to the Yard Waste and Food Residuals Diversion  
20 and Infrastructure Task Force.

21 ~~BY repealing and reenacting, without amendments,~~  
22 ~~Article – Environment~~  
23 ~~Section 9-1701(a), (b), (c), (d), and (t) and 9-1726~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Annotated Code of Maryland~~  
2 ~~(2014 Replacement Volume)~~

3 ~~BY repealing~~  
4 ~~Article — Environment~~  
5 ~~Section 9-1724~~  
6 ~~Annotated Code of Maryland~~  
7 ~~(2014 Replacement Volume)~~

8 ~~BY adding to~~  
9 ~~Article — Environment~~  
10 ~~Section 9-1701(a-1), (a-2), and (h-1) and 9-1724~~  
11 ~~Annotated Code of Maryland~~  
12 ~~(2014 Replacement Volume)~~

13 ~~BY repealing and reenacting, with amendments,~~  
14 ~~Article — Environment~~  
15 ~~Section 9-1701(n), 9-1723, and 9-1725~~  
16 ~~Annotated Code of Maryland~~  
17 ~~(2014 Replacement Volume)~~

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

20 (a) There is a Yard Waste and Food Residuals Diversion and Infrastructure Task  
21 Force.

22 (b) The Task Force consists of the following members:

23 (1) one member of the Senate of Maryland, appointed by the President of  
24 the Senate;

25 (2) one member of the House of Delegates, appointed by the Speaker of the  
26 House;

27 (3) the Secretary of the Environment, or the Secretary's designee;

28 (4) the Secretary of Business and Economic Development, or the  
29 Secretary's designee;

30 (5) the Secretary of Agriculture, or the Secretary's designee;

31 (6) the Director of the Maryland Environmental Service, or the Director's  
32 designee;

33 (7) one representative of the MD-DC Compost Council;

- 1           (8) one representative of the American Biogas Council;
- 2           (9) one representative of the Restaurant Association of Maryland;
- 3           (10) one representative of the Maryland Retailers Association;
- 4           (11) one representative of the Maryland Food Bank;
- 5           (12) one representative of the Institute for Local Self-Reliance;
- 6           (13) one representative of the Maryland Recycling Network; and
- 7           (14) the following members, appointed by the Governor:
- 8                   (i) one representative of a local public works department;
- 9                   (ii) one representative of a privately owned commercial composting  
10 facility;
- 11                   (iii) one representative of an agricultural industry that accepts food  
12 waste for composting, anaerobic digestion, or animal feed purposes;
- 13                   (iv) one representative of a developer of an anaerobic digestion  
14 project;
- 15                   (v) one representative of a hauler that offers collection of  
16 source-separated food waste;
- 17                   (vi) one representative of a large food waste processor in the State;  
18 and
- 19                   (vii) one representative of a supermarket chain store.

20           (c) The Secretary of the Environment, or the Secretary's designee, and the  
21 Secretary of Business and Economic Development, or the Secretary's designee, shall be the  
22 cochairs of the Task Force.

23           (d) The Department of the Environment and the Department of Business and  
24 Economic Development jointly shall provide staff for the Task Force.

25           (e) A member of the Task Force:

26                   (1) may not receive compensation as a member of the Task Force; but

27                   (2) is entitled to reimbursement for expenses under the Standard State  
28 Travel Regulations, as provided in the State budget.

1           (f)    The Task Force shall:

2                   (1)   identify means to promote investment in infrastructure to expand  
3 capacity in the State to divert food waste from refuse disposal facilities;

4                   (2)   evaluate the current recovery of food waste in the State, opportunities  
5 for expansion, and how to overcome obstacles to expansion;

6                   (3)   identify organic waste recycling facilities and the capacity available in  
7 the State;

8                   (4)   identify properties or development zones where infrastructure may be  
9 developed;

10                  (5)   identify any tax or other incentives that already exist to encourage  
11 infrastructure development;

12                  (6)   identify persons that generate approximately 1 ton or more of food  
13 waste per week by name and location, the locations where those persons are concentrated,  
14 and the estimated total tonnage of food waste from those persons that is expected to be  
15 diverted from disposal if adequate capacity exists;

16                  (7)   study yard waste disposal bans in place in other states;

17                  (8)   study food waste recovery requirements in place in other states;

18                  (9)   identify other states that have permitting regulations for anaerobic  
19 digestion facilities and evaluate those regulations for adoption in Maryland;

20                  (10)  evaluate whether county solid waste management plans should:

21                       (i)   require an organic materials recycling program; and

22                       (ii)  address facility infrastructure needs for organic materials  
23 recycling;

24                  (11)  study ways to encourage a decentralized and distributed composting  
25 infrastructure;

26                  (12)  review the recommendations in the final report of the Composting  
27 Workgroup convened by the Maryland Department of the Environment;

28                  (13)  review the Maryland Department of the Environment's Zero Waste  
29 Plan's goals to increase the diversion of organic materials;

30                  (14)  identify ways that the diversion of food waste can help the State reach  
31 the recycling and waste diversion goals in the Zero Waste Plan;



1                    ~~(i) A natural wood waste recycling facility permit in accordance with~~  
2 ~~this title;~~

3                    ~~(ii) A sewage sludge utilization permit in accordance with this title;~~  
4 ~~or~~

5                    ~~(iii) A refuse disposal permit in accordance with this title.~~

6                    ~~(H-1) "FOOD RESIDUALS" MEANS MATERIAL DERIVED FROM THE~~  
7 ~~PROCESSING OR DISCARDING OF FOOD, INCLUDING PRE AND~~  
8 ~~POST-CONSUMER VEGETABLES, FRUITS, GRAINS, DAIRY PRODUCTS, MEATS, AND~~  
9 ~~COMMINGLED-COMPOSTABLE FOOD SERVICE WARE OR PACKAGING.~~

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

13                   ~~(2) "Recycling" includes [composting];~~

14                   ~~(I) COMPOSTING; AND~~

15                   ~~(H) ANAEROBIC DIGESTION, IF:~~

16                                 ~~1. THE RECYCLABLE MATERIALS ARE~~  
17 ~~SOURCE SEPARATED; AND~~

18                                 ~~2. THE SOLID RESIDUAL MATERIAL REMAINING AFTER~~  
19 ~~THE DIGESTION PROCESS IS RETURNED TO THE MARKETPLACE IN THE FORM OF~~  
20 ~~RAW MATERIALS OR PRODUCTS.~~

21                   ~~(t) (1) "Yard waste" means organic plant waste derived from gardening,~~  
22 ~~landscaping, and tree trimming activities.~~

23                   ~~(2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds, and~~  
24 ~~prunings.~~

25 ~~9-1723.~~

26                   ~~[(a) All yard waste collected separately from other solid waste may be transported~~  
27 ~~to a composting facility.]~~

28                   ~~(A) (1) THIS SUBSECTION APPLIES TO YARD WASTE THAT IS GENERATED;~~

29                   ~~(I) DURING THE MONTHS OF APRIL THROUGH JULY; AND~~

1 ~~(H) WITHIN 40 MILES OF A COMPOSTING OR ANAEROBIC~~  
 2 ~~DIGESTION FACILITY THAT:~~

3 ~~1. HAS THE CAPACITY TO ACCEPT THE YARD WASTE;~~  
 4 ~~AND~~

5 ~~2. IS WILLING TO ACCEPT THE YARD WASTE.~~

6 ~~(2) ON OR AFTER JANUARY 1, 2016, A PERSON THAT GENERATES~~  
 7 ~~YARD WASTE SHALL:~~

8 ~~(I) SEPARATE THE YARD WASTE; AND~~

9 ~~(II) ENSURE THE SEPARATED YARD WASTE IS RECYCLED:~~

10 ~~1. ON SITE;~~

11 ~~2. AT A FARM;~~

12 ~~3. AT A COMPOSTING FACILITY;~~

13 ~~4. AT A NATURAL WOOD WASTE PROCESSING FACILITY;~~

14 ~~5. AT A MULCHING SITE; OR~~

15 ~~6. AT AN ANAEROBIC DIGESTION FACILITY.~~

16 ~~(b) (1) [The] A composting facility THAT ACCEPTS YARD WASTE may be~~  
 17 ~~located at a refuse disposal system.~~

18 ~~(2) AN OWNER OR OPERATOR OF A REFUSE DISPOSAL SYSTEM MAY~~  
 19 ~~NOT ACCEPT TRUCKLOADS OF SEPARATELY COLLECTED YARD WASTE UNLESS THE~~  
 20 ~~OWNER OR OPERATOR PROVIDES FOR THE COMPOSTING, MULCHING, OR~~  
 21 ~~ANAEROBIC DIGESTION OF THE YARD WASTE.~~

22 ~~[9-1724.~~

23 ~~An owner or operator of a refuse disposal system may not accept truckloads of~~  
 24 ~~separately collected yard waste for final disposal unless the owner or operator provides for~~  
 25 ~~the composting or mulching of the yard waste.]~~

26 ~~9-1724.~~

~~(A) THIS SECTION APPLIES TO A PERSON THAT GENERATES FOOD RESIDUALS WITHIN 40 MILES OF A COMPOSTING FACILITY OR AN ANAEROBIC DIGESTION FACILITY THAT:~~

~~(1) HAS THE CAPACITY TO ACCEPT THE FOOD RESIDUALS; AND~~

~~(2) IS WILLING TO ACCEPT THE FOOD RESIDUALS.~~

~~(B) ON OR AFTER JANUARY 1, 2016, A PERSON THAT GENERATES AT LEAST TWO TONS OF FOOD RESIDUALS PER WEEK SHALL:~~

~~(1) SEPARATE THE FOOD RESIDUALS FROM SOLID WASTE; AND~~

~~(2) ENSURE THAT THE FOOD RESIDUALS ARE DIVERTED FROM THE SOLID WASTE STREAM BY ANY COMBINATION OF:~~

~~(I) REDUCING THE AMOUNT OF THE FOOD RESIDUAL GENERATED;~~

~~(II) DONATING THE FOOD RESIDUALS THAT CAN BE SERVED AS FOOD;~~

~~(III) INSTALLING AN ON-SITE COMPOSTING OR ANAEROBIC DIGESTION SYSTEM;~~

~~(IV) USING THE FOOD RESIDUALS FOR AGRICULTURAL PURPOSES, INCLUDING USING THE FOOD RESIDUALS AS ANIMAL FEED; OR~~

~~(V) ARRANGING WITH A WASTE HAULER TO SEND THE SEPARATED FOOD RESIDUALS TO A COMPOSTING FACILITY OR AN ANAEROBIC DIGESTION FACILITY FOR PROCESSING.~~

~~9-1725.~~

~~(a) A person may operate a composting facility OR AN ANAEROBIC DIGESTION FACILITY in the State only in accordance with this part and any regulation, order, or permit adopted or issued under this part.~~

~~(b) (1) The Department shall adopt regulations to implement the provisions of this part.~~

~~(2) Regulations adopted under paragraph (1) of this subsection [may] SHALL:~~



1                   ~~(i) Establish conditions under which a person may construct and~~  
2 ~~operate a composting facility AND AN ANAEROBIC DIGESTION FACILITY in the State;~~

3                   ~~(ii) Establish a tiered system of permits or approvals for composting~~  
4 ~~facilities AND ANAEROBIC DIGESTION FACILITIES based on the type of feedstock, size of~~  
5 ~~the facility, and other factors determined by the Department to be appropriate;~~

6                   ~~(iii) Establish design and operational conditions for composting~~  
7 ~~facilities AND ANAEROBIC DIGESTION FACILITIES to protect public health and the~~  
8 ~~environment and to minimize nuisances;~~

9                   ~~(iv) Establish exceptions to any requirement to obtain a composting~~  
10 ~~facility OR AN ANAEROBIC DIGESTION FACILITY permit or approval;~~

11                   ~~(v) Exempt certain organic materials that are composted OR~~  
12 ~~DIGESTED from being designated as solid wastes; and~~

13                   ~~(vi) Establish any other provisions the Department deems necessary~~  
14 ~~to implement the provisions of this subtitle related to composting OR ANAEROBIC~~  
15 ~~DIGESTION.~~

16 ~~9-1726.~~

17                   ~~The provisions of §§ 9-334 through 9-342 of this title shall be used and shall apply~~  
18 ~~to enforce violations of:~~

19                   ~~(1) This part;~~

20                   ~~(2) Any regulation adopted under this part; or~~

21                   ~~(3) Any order or permit issued under this part.~~

22                   ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
23 ~~October 1, 2015.~~

24                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
25 1, 2015. It shall remain effective for a period of 2 years and, at the end of June 30, 2017,  
26 with no further action required by the General Assembly, this Act shall be abrogated and  
27 of no further force and effect.