

HOUSE BILL 603

M3
HB 1081/14 – ENV

5lr1067

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

Introduced and read first time: February 12, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Composting and Anaerobic Digestion Facilities – Yard Waste and Food**
3 **Residuals**

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.

12 BY repealing and reenacting, without amendments,
13 Article – Environment
14 Section 9–1701(a), (b), (c), (d), and (t) and 9–1726
15 Annotated Code of Maryland
16 (2014 Replacement Volume)

17 BY repealing
18 Article – Environment
19 Section 9–1724
20 Annotated Code of Maryland
21 (2014 Replacement Volume)

22 BY adding to
23 Article – Environment
24 Section 9–1701(a–1), (a–2), and (h–1) and 9–1724
25 Annotated Code of Maryland
26 (2014 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Environment
3 Section 9–1701(n), 9–1723, and 9–1725
4 Annotated Code of Maryland
5 (2014 Replacement Volume)

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

8 **Article – Environment**

9 9–1701.

10 (a) In this subtitle the following words have the meanings indicated.

11 **(A–1) “ANAEROBIC DIGESTION” MEANS THE CONTROLLED BIOLOGICAL**
12 **DECOMPOSITION OF ORGANIC WASTE MATERIAL IN THE ABSENCE OF OXYGEN AND**
13 **WITH THE CONCURRENT CAPTURE OF PRODUCED GASES.**

14 **(A–2) “ANAEROBIC DIGESTION FACILITY” MEANS A FACILITY WHERE**
15 **ANAEROBIC DIGESTION TAKES PLACE.**

16 (b) “Compost” means the product of composting in accordance with the standards
17 established by the Secretary of Agriculture under § 6–221 of the Agriculture Article.

18 (c) “Composting” means the controlled aerobic biological decomposition of organic
19 waste material in accordance with the standards established by the Secretary under this
20 title.

21 (d) (1) “Composting facility” means a facility where composting takes place.

22 (2) “Composting facility” does not include a facility that is required to
23 obtain:

24 (i) A natural wood waste recycling facility permit in accordance with
25 this title;

26 (ii) A sewage sludge utilization permit in accordance with this title;
27 or

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

29 **(H–1) “FOOD RESIDUALS” MEANS MATERIAL DERIVED FROM THE**
30 **PROCESSING OR DISCARDING OF FOOD, INCLUDING PRE– AND**
31 **POST–CONSUMER VEGETABLES, FRUITS, GRAINS, DAIRY PRODUCTS, MEATS, AND**
32 **COMMINGLED COMPOSTABLE FOOD SERVICE WARE OR PACKAGING.**

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

4 (2) "Recycling" includes [composting]:

5 (I) COMPOSTING; AND

6 (II) ANAEROBIC DIGESTION, IF:

7 1. THE RECYCLABLE MATERIALS ARE
8 SOURCE-SEPARATED; AND

9 2. THE SOLID RESIDUAL MATERIAL REMAINING AFTER
10 THE DIGESTION PROCESS IS RETURNED TO THE MARKETPLACE IN THE FORM OF
11 RAW MATERIALS OR PRODUCTS.

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

14 (2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds, and
15 prunings.

16 9-1723.

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

19 (A) (1) THIS SUBSECTION APPLIES TO YARD WASTE THAT IS GENERATED:

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

21 (II) WITHIN 40 MILES OF A COMPOSTING OR ANAEROBIC
22 DIGESTION FACILITY THAT:

23 1. HAS THE CAPACITY TO ACCEPT THE YARD WASTE;
24 AND

25 2. IS WILLING TO ACCEPT THE YARD WASTE.

26 (2) ON OR AFTER JANUARY 1, 2016, A PERSON THAT GENERATES
27 YARD WASTE SHALL:

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- 1 **(I) SEPARATE THE YARD WASTE; AND**
- 2 **(II) ENSURE THE SEPARATED YARD WASTE IS RECYCLED:**
- 3 1. **ON SITE;**
- 4 2. **AT A FARM;**
- 5 3. **AT A COMPOSTING FACILITY;**
- 6 4. **AT A NATURAL WOOD WASTE PROCESSING FACILITY;**
- 7 5. **AT A MULCHING SITE; OR**
- 8 6. **AT AN ANAEROBIC DIGESTION FACILITY.**

9 (b) **(1) [The] A composting facility THAT ACCEPTS YARD WASTE** may be
10 located at a refuse disposal system.

11 **(2) AN OWNER OR OPERATOR OF A REFUSE DISPOSAL SYSTEM MAY**
12 **NOT ACCEPT TRUCKLOADS OF SEPARATELY COLLECTED YARD WASTE UNLESS THE**
13 **OWNER OR OPERATOR PROVIDES FOR THE COMPOSTING, MULCHING, OR**
14 **ANAEROBIC DIGESTION OF THE YARD WASTE.**

15 **[9-1724.**

16 An owner or operator of a refuse disposal system may not accept truckloads of
17 separately collected yard waste for final disposal unless the owner or operator provides for
18 the composting or mulching of the yard waste.]

19 **9-1724.**

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

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

24 **(2) IS WILLING TO ACCEPT THE FOOD RESIDUALS.**

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

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

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

3 **(I) REDUCING THE AMOUNT OF THE FOOD RESIDUAL**
4 **GENERATED;**

5 **(II) DONATING THE FOOD RESIDUALS THAT CAN BE SERVED AS**
6 **FOOD;**

7 **(III) INSTALLING AN ON-SITE COMPOSTING OR ANAEROBIC**
8 **DIGESTION SYSTEM;**

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

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

14 9-1725.

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

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

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

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

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

27 (iii) Establish design and operational conditions for composting
28 facilities **AND ANAEROBIC DIGESTION FACILITIES** to protect public health and the
29 environment and to minimize nuisances;

30 (iv) Establish exceptions to any requirement to obtain a composting
31 facility **OR AN ANAEROBIC DIGESTION FACILITY** permit or approval;

1 (v) Exempt certain organic materials that are composted **OR**
2 **DIGESTED** from being designated as solid wastes; and

3 (vi) Establish any other provisions the Department deems necessary
4 to implement the provisions of this subtitle related to composting **OR ANAEROBIC**
5 **DIGESTION**.

6 9–1726.

7 The provisions of §§ 9–334 through 9–342 of this title shall be used and shall apply
8 to enforce violations of:

9 (1) This part;

10 (2) Any regulation adopted under this part; or

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2015.