

HOUSE BILL 929

M3

2lr1310

By: **Delegates Stein, Frush, and Niemann**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Recycling Rates and Waste Diversion – Statewide Goals**

3 FOR the purpose of altering certain dates by which certain counties must include and
4 implement certain recycling and waste diversion goals in certain plans;
5 increasing certain recycling and waste diversion goals that must be included in
6 certain plans; establishing certain waste diversion and recycling goals;
7 authorizing certain goals to be met through cooperative efforts of certain
8 parties; repealing certain obsolete language; and generally relating to recycling
9 and waste diversion goals in county water and sewerage plans.

10 BY repealing and reenacting, with amendments,

11 Article – Environment

12 Section 9–505(a)(18) and (19) and (c), 9–1704, and 9–1706

13 Annotated Code of Maryland

14 (2007 Replacement Volume and 2011 Supplement)

15 BY adding to

16 Article – Environment

17 Section 9–1706.1

18 Annotated Code of Maryland

19 (2007 Replacement Volume and 2011 Supplement)

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

22 **Article – Environment**

23 9–505.

24 (a) In addition to the other requirements of this subtitle, each county plan
25 shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (18) For a county with a population greater than 150,000 according to
2 the latest Department of Planning projections, include a recycling plan by [July 1,
3 1990] **JULY 1, 2013** that:

4 (i) Provides for a reduction through recycling of at least [20
5 percent] **35%** of the county's solid waste stream by weight or submits adequate
6 justification, including economic and other specific factors, as to why the [20 percent]
7 **35%** reduction cannot be met;

8 (ii) Provides for recycling of the solid waste stream to the extent
9 practical and economically feasible, but in no event may less than a [10 percent] **15%**
10 reduction be submitted; and

11 (iii) Requires full implementation of the recycling plan by
12 [January 1, 1994] **JULY 1, 2015**; and

13 (19) For a county with a population less than 150,000 according to the
14 latest Department of Planning projections, include a recycling plan by [July 1, 1990]
15 **JULY 1, 2013** that:

16 (i) Provides for a reduction through recycling of at least [15
17 percent] **20%** of the county's solid waste stream or submit adequate justification,
18 including economic and other specific factors, as to why the [15 percent] **20%**
19 reduction cannot be met;

20 (ii) Provides for recycling of the solid waste stream to the extent
21 practical and economically feasible, but in no event may less than a [5 percent] **10%**
22 reduction be submitted; and

23 (iii) Requires full implementation of the recycling plan by
24 [January 1, 1994] **JULY 1, 2015**.

25 (c) The recycling reductions of [20 percent] **35%** and [15 percent] **20%**
26 provided in subsection (a)(18) and (19) of this section are not intended to be the
27 maximum percentage that a county can achieve. A county that can practically and
28 economically achieve a higher rate of recycling is encouraged to submit a recycling
29 plan for a higher percentage.

30 9-1704.

31 (a) (1) If a county with a population greater than 150,000 determines it
32 cannot achieve a reduction of [20 percent] **35%** of its solid waste stream under § 9-505
33 of this title, the county shall:

1 (i) Conduct a public hearing on the proposed reduction that
2 may be conducted jointly with other public hearings or meetings; and

3 (ii) Publish notice of the time and place of the public hearing,
4 together with a summary of the justification for the proposed reduction, in a
5 newspaper of general circulation in the county once a week for 2 consecutive weeks
6 before the hearing in the county.

7 (2) The Secretary shall review a county plan that does not meet the
8 [20 percent] **35%** recycling goal to determine whether the county's maximum goal, as
9 stated in the plan, can be demonstrated to have a reasonable basis.

10 (3) The Secretary shall require revision of a county plan if, pursuant
11 to a review under paragraph (2) of this subsection, the county's determination of its
12 maximum goal is found to be unsupported by competent, material, and substantial
13 evidence in light of the entire plan as submitted.

14 (b) (1) If a county with a population less than 150,000 determines it
15 cannot achieve a reduction of [15 percent] **20%** of its solid waste stream under § 9-505
16 of this title, the county shall:

17 (i) Conduct a public hearing on the proposed reduction that
18 may be conducted jointly with other public hearings or meetings; and

19 (ii) Publish notice of the time and place of the public hearing,
20 together with a summary of the justification for the proposed reduction in a newspaper
21 of general circulation in the county once a week for 2 consecutive weeks before the
22 hearing in the county.

23 (2) The Secretary shall review a county plan that does not meet the
24 [15 percent] **20%** recycling goal to determine whether the county's maximum goal, as
25 stated in the plan, can be demonstrated to have a reasonable basis.

26 (3) The Secretary shall require revision of a county plan if, pursuant
27 to a review under paragraph (2) of this subsection, the county's determination of its
28 maximum goal is found to be unsupported by competent, material, and substantial
29 evidence in light of the entire plan as submitted.

30 9-1706.

31 (a) The Office of Recycling, in cooperation with the Department of General
32 Services and other State agencies, shall develop a recycling plan that reduces by
33 recycling the amount of the solid waste stream generated for disposal by the State
34 government by at least [20 percent] **30%** or to an amount that is determined practical
35 and economically feasible, but in no case may the amount to be recycled be less than
36 [10 percent] **15%**.

1 (b) [By July 1, 2010, the] A recycling plan under subsection (a) of this
2 section shall include a system for recycling aluminum, glass, paper, and plastic
3 generated for disposal by the State government, including the placement of collection
4 bins in State-owned or State-operated office buildings in locations in the State where
5 it is determined to be practical and economically feasible.

6 (c) By [January 1, 2012] **JULY 1, 2014**, each State agency and unit of State
7 government shall implement the recycling plan required under this section.

8 **9-1706.1.**

9 (A) **THERE IS A VOLUNTARY STATEWIDE WASTE DIVERSION GOAL OF**
10 **60% BY THE YEAR 2020.**

11 (B) **THERE IS A VOLUNTARY STATEWIDE RECYCLING GOAL OF 55% BY**
12 **THE YEAR 2020.**

13 (C) **THE GOALS IN SUBSECTIONS (A) AND (B) OF THIS SECTION MAY BE**
14 **ACCOMPLISHED THROUGH THE COOPERATIVE EFFORTS OF WASTE**
15 **GENERATORS, STATE AGENCIES, LOCAL GOVERNMENTS, THE WASTE INDUSTRY,**
16 **THE RECYCLING INDUSTRY, ENVIRONMENTAL GROUPS, BOARDS OF EDUCATION,**
17 **AND OTHER INTERESTED PARTIES.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2012.