

Chapter 692

(House Bill 929)

AN ACT concerning

Environment – Recycling Rates and Waste Diversion – Statewide Goals

FOR the purpose of altering certain dates by which certain counties must include and implement certain recycling and waste diversion goals in certain plans; increasing certain recycling and waste diversion goals that must be included in certain plans; establishing certain waste diversion and recycling goals; authorizing certain goals to be met through cooperative efforts of certain parties; authorizing a certain county to combine its recycling rate with the recycling rates of certain adjacent counties in a certain manner and under certain circumstances; requiring the Secretary of the Environment to calculate a certain recycling rate for certain counties under certain circumstances; authorizing a certain county that has met or exceeded a certain percentage reduction of its solid waste stream through recycling in a certain year to submit a letter containing certain certifications to the Secretary by a certain date instead of revising a certain county recycling plan; repealing certain obsolete language; and generally relating to recycling and waste diversion goals in county water and sewerage plans.

BY repealing and reenacting, with amendments,

Article – Environment

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

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY adding to

Article – Environment

Section 9–1706.1

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Article – Environment

9–505.

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

(18) For a county with a population greater than 150,000 according to the latest Department of Planning projections, include a recycling plan by [July 1, 1990] **JULY 1, ~~2013~~ 2014** that:

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

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

(iii) Requires full implementation of the recycling plan by [January 1, 1994] **JULY 1, ~~2015~~ DECEMBER 31, 2015**; and

(19) For a county with a population less than 150,000 according to the latest Department of Planning projections, include a recycling plan by [July 1, 1990] **JULY 1, ~~2013~~ 2014** that:

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

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

(iii) Requires full implementation of the recycling plan by [January 1, 1994] **JULY 1, ~~2015~~ DECEMBER 31, 2015**.

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

9-1704.

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

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

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

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

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

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

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

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

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

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

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, WHEN CALCULATING A COUNTY'S RECYCLING RATE FOR THE PURPOSES OF THIS SUBSECTION, A COUNTY WITH A POPULATION OF LESS THAN 100,000 MAY COMBINE ITS RECYCLING RATE WITH THE RECYCLING RATES OF ONE OR MORE ADJACENT COUNTIES.

(II) A COUNTY MAY NOT USE THE RECYCLING RATE CALCULATION IN THIS PARAGRAPH FOR MORE THAN 5 CONSECUTIVE YEARS.

(III) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, EACH COUNTY THAT ELECTS TO USE THE RECYCLING RATE CALCULATION IN THIS PARAGRAPH SHALL SUBMIT A LETTER OF CONCURRENCE FROM THE HIGHEST ELECTED OFFICIAL OF THE COUNTY TO THE SECRETARY:

1. THAT STATES THE COUNTY'S AGREEMENT TO COMBINE ITS RECYCLING RATE CALCULATION WITH THE RECYCLING RATE CALCULATION OF AN ADJACENT COUNTY; AND

2. AT THE SAME TIME THE ANNUAL REPORT REQUIRED UNDER § 9-1705(B) OF THIS SUBTITLE IS SUBMITTED.

(IV) THE ANNUAL REPORT REQUIRED UNDER § 9-1705(B) OF THIS SUBTITLE SHALL BE SUBMITTED AS ONE REPORT FOR THE COUNTIES THAT ELECT TO USE THE RECYCLING RATE CALCULATION UNDER THIS PARAGRAPH.

(V) THE SECRETARY SHALL CALCULATE ONE RECYCLING RATE FOR THE COUNTIES THAT ELECT TO USE THE RECYCLING RATE CALCULATION IN ACCORDANCE WITH THIS PARAGRAPH.

9-1706.

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

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

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

9-1706.1.

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That, for a county with a population greater than 150,000 that has met or exceeded a 35% reduction of the county's solid waste stream through recycling in calendar year 2010, the requirement to revise the county recycling plan in § 9-505(a)(18) of the Environment Article, as enacted by Section 1 of this Act, may be satisfied by the submission of a letter on or before December 31, 2013, from the highest elected county official to the Secretary of the Environment certifying that:

(1) the required 35% county recycling rate will continue to be met or exceeded in each calendar year through 2015; and

(2) details regarding the increased recycling rates and methods for achieving the rates will be included in the county's next regular 3-year review of its 10-year county solid waste management plan under § 9-503(b) of the Environment Article.

SECTION 3. AND BE IT FURTHER ENACTED, That, for a county with a population less than 150,000 that has met or exceeded a 20% reduction of the county's solid waste stream through recycling in calendar year 2010, the requirement to revise the county recycling plan in § 9-505(a)(19) of the Environment Article, as enacted by Section 1 of this Act, may be satisfied by the submission of a letter on or before December 31, 2013, from the highest elected county official to the Secretary of the Environment certifying that:

(1) the required 20% county recycling rate will continue to be met or exceeded in each calendar year through 2015; and

(2) details regarding the increased recycling rates and methods for achieving the rates will be included in the county's next regular 3-year review of its 10-year county solid waste management plan under § 9-503(b) of the Environment Article.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 22, 2012.