



House Bill 61

Environment – Solid Waste, Recycling, and Anaerobic Digestion

MACo Position: **SUPPORT**
WITH AMENDMENTS

Date: January 27, 2016

To: Environment and Transportation Committee

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 61 **WITH AMENDMENTS**. The bill addresses important regulatory needs for both recycling and anaerobic digestion facilities but MACo believes counties should have a voice in the creation of the required regulations.

HB 61 requires the Maryland Department of the Environment (MDE) to adopt regulations governing recycling facilities and anaerobic digestion facilities. Anaerobic digestion is a promising technology that can help both urban and rural counties address food, human, animal, and other organic waste while simultaneously reducing greenhouse gas emissions and generating power. However, anaerobic digestion facilities have no chance of becoming widespread in Maryland until there is regulatory certainty over how they should operate.

Additionally, as materials recovery facilities (MRFs) sort and process recyclables collected through the single stream process, they are handling increasing amounts of what is currently defined as non-recyclable “solid waste.” Under current law, this could trigger the need for MRFs to apply for a solid waste disposal permit – an expensive and cumbersome requirement that was never intended to apply to them. HB 61 would allow MDE to adopt regulations to require recycling facilities like MRFs to meet reasonable public safety and health requirements while avoiding the need to apply for a solid waste permit.

Maryland is unique in that the State has mandated counties to be the primary entity responsible for recycling. Consequently, counties are directly affected by these proposed regulatory changes – both in a policy and fiscal sense.

Given the potential impacts these regulations will have on the counties, MACo feels that it is only fair to give counties and other affected stakeholders a voice in their creation. A similar

open process was recently used when MDE adopted regulations for composting facilities. MACo is offering the attached amendment to provide that voice.

HB 61 will allow MDE to make regulatory changes to encourage anaerobic digestion facilities in the state and protect recycling facilities from potentially onerous permitting requirements. However, MACo feels that counties (as primary recyclers) and other affected stakeholders should be able to offer input during the creation of these important regulations. Accordingly, MACo would urge the Committee to give HB 61 a report of **FAVORABLE WITH AMENDMENTS**.

PROPOSED AMENDMENT TO HB 61

AMENDMENT NO. 1

On page 9, after line 16, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of the Environment shall consult with representatives from the Maryland Association of Counties and other affected stakeholders when creating and adopting regulations for recycling facilities and anaerobic digestion facilities.”; and

in line 17, strike “2.” and substitute “3.”.