



Senate Bill 56

*Environment – Solid Waste Management Practices – Maryland Recycling and Landfill
Diversion Task Force*

MACo Position: **SUPPORT WITH
AMENDMENTS**

Date: February 11, 2014

To: Education, Health, and Environmental
Affairs Committee

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** Senate Bill 56 **WITH AMENDMENTS**. The bill would create a Maryland Recycling and Landfill Diversion Task Force that would make recommendations regarding the State and local governments' adoption of a "zero waste" policy for solid waste.

The Task Force would consider the creation of new recycling and maximum landfill disposal rates for county governments and the imposition of financial penalties on those counties who cannot comply. SB 56 would also require each county and the Maryland Department of the Environment (MDE) to adopt the solid waste management hierarchy of the United States Environmental Protection Agency.

MACo POSITION ON ZERO WASTE AND RECYCLING

Unlike most other states, Maryland requires the counties to administer recycling programs and reach certain recycling goals. Despite originally being an unfunded mandate from the State, counties have supported recycling and now Maryland ranks above average among recycling states. Over time, county recycling rates have continued to increase. These positive results highlight that MACo and the counties are committed to recycling.

Under the zero waste concept, the goal is to eliminate (or more practically, significantly reduce) the amount of solid waste that goes into a landfill. The remainder of the waste is recycled, reused, or disposed of by other means. Zero waste has been implemented in parts of Europe and MACo believes that consideration of a zero waste policy in Maryland is a worthwhile endeavor. However, adopting a zero waste policy would have significant policy and cost implications and must be carefully considered.

THE BILL

Broadly, the Task Force would make recommendations on increasing current county recycling rates and establishing new maximum landfill disposal rates. Waste diverted from landfills would have to be reused, recycled, composted, incinerated in a waste-to-energy plant, or subjected to anaerobic digestion. The Task Force would also consider subjecting counties that failed to meet either of the rates to compliance fees and other new penalties.

While MACo supports consideration of a zero waste policy, MACo believes that such a policy should be based on a collaborative and incentive-based approach that identifies the implementation challenges faced by county governments and provides the resources necessary to help counties achieve realistic recycling and landfill diversion goals. A zero waste policy should not be yet another unfunded mandate that imposes new penalties on county governments that have already shown a strong commitment towards recycling.

MACo believes that the Task Force should not approach a zero waste policy with set numerical recycling rates or goals in mind, but instead should be allowed the flexibility to consider what constitutes reasonable and achievable goals. MACo also believes that the existing penalties available to MDE to enforce recycling compliance are sufficient.

Accordingly, MACo offers the following amendments to SB 56.

AMENDMENTS

Compliance Fee and Other Penalties.

MACo is opposed to the imposition of any financial penalty or compliance fee for recycling or waste diversion. Counties were forced to assume recycling as an unfunded mandate and have continued to increase recycling rates over time without the need for a financial penalty. Given that counties have been “good actors” with respect to recycling, MACo does not understand the need to penalize the counties with a costly new fee or other penalties. MACo advocates the removal of subsection (e) of Section 2 of the bill and subsection (h)(17) of Section 3 of the bill. Both subsections reference the compliance fee and other penalties. Additionally, the reference to “potential penalties” in subsection (h)(18) of Section 3 of the bill should be eliminated.

Minimum Recycling Rates and Maximum Landfill Disposal Rates

As noted above, MACo believes the Task Force should not be locked into considering a particular set of rates but instead should focus on what would be a realistic and possible set of goals. Therefore, MACo recommends deleting the current language in subsection (h)(4) of Section 3 of the bill and substituting:

(h) The Task Force shall:

...

(4) consider appropriate and realistically achievable minimum recycling rates and maximum landfill disposal rates that could be incorporated into the recycling and landfill diversion portfolio standard for counties with a population of 150,000 or more and rates for counties with a population less than 150,000;

CONCLUSION

In conclusion, MACo supports SB 56's worthwhile goal of increasing recycling, reducing landfill waste, and identifying many key policy issues regarding the potential implementation of a zero waste policy in Maryland. However, MACo believes that a zero waste policy should be approached from a collaborative and incentive-based perspective, rather than one that simply imposes more unfunded mandates and compliance penalties on county governments.

Ultimately, such an approach will result in a stronger and more successful zero waste policy. Accordingly, MACo requests the Committee give SB 56 a report of **FAVORABLE WITH AMENDMENTS**.