



Senate Bill 99

Department of the Environment – Yard Waste and Food Residuals Diversion and Infrastructure - Study

MACo Position: **SUPPORT
WITH AMENDMENTS**

Date: January 24, 2017

To: Education, Health, and Environmental Affairs
Committee
From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS SB 99 WITH AMENDMENTS**.

The bill requires the Maryland Department of the Environment (MDE) to conduct a study regarding the diversion and composting of yard waste and food residuals.

Diversion, composting, and other promising technologies like anaerobic digestion are needed to address food scraps and yard waste. According to MDE, food waste makes up 22% of the solid waste disposed of in the United States. Maryland already recycles 43% of its municipal solid waste (exceeding the national rate) but the State's food recycling rate is a little less than 15% in Maryland. As recycling, reuse, and diversion of other kinds of solid waste have become successful in Maryland, the share of food and yard waste in landfills has grown proportionately.

MACo has generally supported creating a regulatory climate that makes composting and anaerobic digestion practical activities in the state while not simply placing new mandates on county governments. As the bill acknowledges, flexible options are needed because, given Maryland's diverse geography and demographics, a "one size fits all" approach will not yield successful results.

However, while MACo supports the basic premise behind the study, the Association is offering five amendments to both modify and expand on the study's scope.

The five changes would have the study:

1. Identify the infrastructure needs and challenges related to yard waste and food residuals composting and diversion unique to the different geographic regions of the state;
2. Identify any applicable safety and public health concerns related to yard waste and food residuals composting and diversion;

3. Develop, in consultation with local governments, model guidelines and best practices for the local identification of properties or development zones where diversion infrastructure may be developed instead of having MDE assume a land use role by making such identifications itself;
4. Consider a refuse disposal fee instead of automatically recommending such a fee; and
5. Receive the approval of the affected local governments before recommending a pilot food waste recovery program in the Elkridge and Jessup area.

MACo believes these amendments enhance and refine the study's core purpose while acknowledging regional differences and protecting local land use autonomy. Accordingly, MACo urges the Committee to give SB 99 a report of **FAVORABLE WITH AMENDMENTS**.

MACo PROPOSED AMENDMENTS TO SB 99

2017-01-19

AN ACT concerning

Department of the Environment – Yard Waste and Food Residuals Diversion and Infrastructure – Study

FOR the purpose of requiring the Department of the Environment, in consultation with certain persons, to study, review, explore, identify, and make recommendations regarding certain matters that relate to the diversion of yard waste from refuse disposal facilities, including certain infrastructure; requiring the Department to report its interim and final findings and recommendations to the Governor and the General Assembly on or before certain dates; and generally relating to yard waste and food residuals diversion and infrastructure.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(a) The Department of the Environment shall:

(1) study the diversion of yard waste and food residuals from refuse disposal facilities in the State, including any State laws or regulations governing the diversion of yard waste or food residuals;

(2) study the laws and regulations of other states governing the diversion of yard waste or food residuals;

(3) review the status of infrastructure for the diversion of yard waste and food residuals in the State and other states, including the availability of infrastructure in relation to:

(i) large generators of food waste, identified by type and geographic distribution; and

(ii) organizations that use surplus food, identified by type and geographic distribution;

(4) explore ways to promote composting of yard waste and food residuals and other methods of organic waste reduction and diversion, including ways to encourage a decentralized and diverse infrastructure;

(5) identify the infrastructure needs and challenges related to yard waste and food residuals composting and diversion unique to the different geographic regions of the State;

(5) (6) identify means to encourage investment in infrastructure and provide economic incentives to expand capacity for yard waste and food residuals diversion in the State, including identification of the:

(i) development of, in consultation with local governments, model guidelines and best practices for the local identification of properties or development zones where diversion infrastructure may be developed; and

(ii) identification of any tax or other incentives that already exist to encourage infrastructure development;

(7) identify any applicable sanitary and public health concerns related to yard waste and food residuals composting and diversion;

(6) (8) recommend consider a refuse disposal fee to finance a grant program that provides financial assistance to develop infrastructure and expand capacity for yard waste and food residuals diversion in the State;

(7) (9) recommend measures to promote the diversion of yard waste and food residuals in the State, including any necessary programmatic, legislative, or regulatory changes; and

(8) (10) subject to the approval of the affected local governments, recommend a pilot program for the region in which Elkridge and Jessup are located to prioritize infrastructure development and food waste recovery from large food waste generators.

(b) In conducting the activities required under subsection (a) of this section, the Department shall consult with:

- (1) the Department of Agriculture;
- (2) the Department of Commerce;
- (3) the Maryland Environmental Service;
- (4) the MD-DC Compost Council;
- (5) the American Biogas Council;
- (6) the Restaurant Association of Maryland;
- (7) the Maryland Retailers Association;
- (8) the Maryland Food Bank;
- (9) the Institute for Local Self-Reliance;

- (10) the Maryland Recycling Network;
- (11) the Maryland Farm Bureau;
- (12) the Maryland–Delaware Solid Waste Association;
- (13) the Chesapeake Foodshed Network;
- (14) the Maryland Horse Council;
- (15) the Johns Hopkins University Center for a Livable Future;
- (16) the Future Harvest/Chesapeake Alliance for Sustainable Agriculture;
- (17) the Maryland Association of Counties;
- (18) the Maryland Municipal League; and
- (19) a private business based in the State that provides food waste collection services.

(c) On or before July 1, 2018, the Department shall report its interim findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(d) On or before July 1, 2019, the Department shall report its final findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.