HOUSE BILL 603

By: Delegates S. Robinson, Carr, Clippinger, Gilchrist, Kelly, Korman, A. Miller, Moon, Pendergrass, and Platt

Introduced and read first time: February 12, 2015
Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Composting and Anaerobic Digestion Facilities – Yard Waste and Food Residuals

FOR the purpose of altering certain provisions of law relating to the composting of yard waste; requiring a certain person to ensure certain yard waste is recycled in a certain manner beginning on a certain date; authorizing certain composting facilities and anaerobic digestion facilities to be located at refuse disposal systems; requiring a certain person to ensure certain food residuals are diverted from the solid waste stream in a certain manner beginning on a certain date; requiring the Department of the Environment to adopt certain regulations; defining certain terms; and generally relating to composting and anaerobic digestion facilities.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1701(a), (b), (c), (d), and (t) and 9–1726
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing
Article – Environment
Section 9–1724
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – Environment
Section 9–1701(a–1), (a–2), and (h–1) and 9–1724
Annotated Code of Maryland
(2014 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1701(n), 9–1723, and 9–1725
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Environment

9–1701.

(a) In this subtitle the following words have the meanings indicated.

(A–1) “ANAEROBIC DIGESTION” MEANS THE CONTROLLED BIOLOGICAL
DECOMPOSITION OF ORGANIC WASTE MATERIAL IN THE ABSENCE OF OXYGEN AND
WITH THE CONCURRENT CAPTURE OF PRODUCED GASES.

(A–2) “ANAEROBIC DIGESTION FACILITY” MEANS A FACILITY WHERE
ANAEROBIC DIGESTION TAKES PLACE.

(b) “Compost” means the product of composting in accordance with the standards
established by the Secretary of Agriculture under § 6–221 of the Agriculture Article.

(c) “Composting” means the controlled aerobic biological decomposition of organic
waste material in accordance with the standards established by the Secretary under this
title.

(d) (1) “Composting facility” means a facility where composting takes place.

(2) “Composting facility” does not include a facility that is required to
obtain:

(i) A natural wood waste recycling facility permit in accordance with
this title;

(ii) A sewage sludge utilization permit in accordance with this title;

or

(iii) A refuse disposal permit in accordance with this title.

(H–1) “FOOD RESIDUALS” MEANS MATERIAL DERIVED FROM THE
PROCESSING OR DISCARDING OF FOOD, INCLUDING PRE– AND
POST–CONSUMER VEGETABLES, FRUITS, GRAINS, DAIRY PRODUCTS, MEATS, AND
COMMINGLED COMPOSTABLE FOOD SERVICE WARE OR PACKAGING.
(n) (1) “Recycling” means any process in which recyclable materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(2) “Recycling” includes [composting]:

(I) COMPOSTING; AND

(II) ANAEROBIC DIGESTION, IF:

1. THE RECYCLABLE MATERIALS ARE SOURCE–SEPARATED; AND

2. THE SOLID RESIDUAL MATERIAL REMAINING AFTER THE DIGESTION PROCESS IS RETURNED TO THE MARKETPLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS.

(t) (1) “Yard waste” means organic plant waste derived from gardening, landscaping, and tree trimming activities.

(2) “Yard waste” includes leaves, garden waste, lawn cuttings, weeds, and prunings.

69–1723.

[(a) All yard waste collected separately from other solid waste may be transported to a composting facility.]

(A) (1) THIS SUBSECTION APPLIES TO YARD WASTE THAT IS GENERATED:

(I) DURING THE MONTHS OF APRIL THROUGH JULY; AND

(II) WITHIN 40 MILES OF A COMPOSTING OR ANAEROBIC DIGESTION FACILITY THAT:

1. HAS THE CAPACITY TO ACCEPT THE YARD WASTE; AND

2. IS WILLING TO ACCEPT THE YARD WASTE.

(2) ON OR AFTER JANUARY 1, 2016, A PERSON THAT GENERATES YARD WASTE SHALL:
(I) SEPARATE THE YARD WASTE; AND

(II) ENSURE THE SEPARATED YARD WASTE IS RECYCLED:

1. ON SITE;

2. AT A FARM;

3. AT A COMPOSTING FACILITY;

4. AT A NATURAL WOOD WASTE PROCESSING FACILITY;

5. AT A MULCHING SITE; OR

6. AT AN ANAEROBIC DIGESTION FACILITY.

(b) (1) [The] A composting facility THAT ACCEPTS YARD WASTE may be located at a refuse disposal system.

(2) AN OWNER OR OPERATOR OF A REFUSE DISPOSAL SYSTEM MAY NOT ACCEPT TRUCKLOADS OF SEPARATELY COLLECTED YARD WASTE UNLESS THE OWNER OR OPERATOR PROVIDES FOR THE COMPOSTING, MULCHING, OR ANAEROBIC DIGESTION OF THE YARD WASTE.

[9–1724.

An owner or operator of a refuse disposal system may not accept truckloads of separately collected yard waste for final disposal unless the owner or operator provides for the composting or mulching of the yard waste.]

9–1724.

(A) THIS SECTION APPLIES TO A PERSON THAT GENERATES FOOD RESIDUALS WITHIN 40 MILES OF A COMPOSTING FACILITY OR AN ANAEROBIC DIGESTION FACILITY THAT:

(1) HAS THE CAPACITY TO ACCEPT THE FOOD RESIDUALS; AND

(2) IS WILLING TO ACCEPT THE FOOD RESIDUALS.

(B) ON OR AFTER JANUARY 1, 2016, A PERSON THAT GENERATES AT LEAST TWO TONS OF FOOD RESIDUALS PER WEEK SHALL:

(1) SEPARATE THE FOOD RESIDUALS FROM SOLID WASTE; AND
(2) Ensure that the food residuals are diverted from the solid waste stream by any combination of:

- (I) Reducing the amount of the food residual generated;
- (II) Donating the food residuals that can be served as food;
- (III) Installing an on-site composting or anaerobic digestion system;
- (IV) Using the food residuals for agricultural purposes, including using the food residuals as animal feed; or
- (V) Arranging with a waste hauler to send the separated food residuals to a composting facility or an anaerobic digestion facility for processing.

9–1725.

(a) A person may operate a composting facility OR AN ANAEROBIC DIGESTION FACILITY in the State only in accordance with this part and any regulation, order, or permit adopted or issued under this part.

(b) (1) The Department shall adopt regulations to implement the provisions of this part.

(2) Regulations adopted under paragraph (1) of this subsection [may] SHALL:

- (i) Establish conditions under which a person may construct and operate a composting facility AND AN ANAEROBIC DIGESTION FACILITY in the State;
- (ii) Establish a tiered system of permits or approvals for composting facilities AND ANAEROBIC DIGESTION FACILITIES based on the type of feedstock, size of the facility, and other factors determined by the Department to be appropriate;
- (iii) Establish design and operational conditions for composting facilities AND ANAEROBIC DIGESTION FACILITIES to protect public health and the environment and to minimize nuisances;
- (iv) Establish exceptions to any requirement to obtain a composting facility OR AN ANAEROBIC DIGESTION FACILITY permit or approval;
(v) Exempt certain organic materials that are composted OR DIGESTED from being designated as solid wastes; and

(vi) Establish any other provisions the Department deems necessary to implement the provisions of this subtitle related to composting OR ANAEROBIC DIGESTION.

The provisions of §§ 9–334 through 9–342 of this title shall be used and shall apply to enforce violations of:

(1) This part;
(2) Any regulation adopted under this part; or
(3) Any order or permit issued under this part.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.