CHAPTER _____

1 AN ACT concerning

Composting and Anaerobic Digestion Facilities—Yard Waste and Food Residuals Diversion and Infrastructure Task Force

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; establishing the Yard Waste and Food Residuals Diversion and Infrastructure Task Force; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to identify, evaluate, study, and make recommendations regarding certain matters; requiring the Task Force to report its interim and final findings and recommendations to the Governor and the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Yard Waste and Food Residuals Diversion and Infrastructure Task Force.

BY repealing and reenacting, without amendments,

Article—Environment
Section 9–1701(a), (b), (c), (d), and (t) and 9–1726

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.
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)

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:

(a) There is a Yard Waste and Food Residuals Diversion and Infrastructure Task Force.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of the Environment, or the Secretary’s designee;

(4) the Secretary of Business and Economic Development, or the Secretary’s designee;

(5) the Secretary of Agriculture, or the Secretary’s designee;

(6) the Director of the Maryland Environmental Service, or the Director’s designee;

(7) one representative of the MD–DC Compost Council;
(8) one representative of the American Biogas Council;

(9) one representative of the Restaurant Association of Maryland;

(10) one representative of the Maryland Retailers Association;

(11) one representative of the Maryland Food Bank;

(12) one representative of the Institute for Local Self–Reliance;

(13) one representative of the Maryland Recycling Network; and

(14) the following members, appointed by the Governor:

   (i) one representative of a local public works department;

   (ii) one representative of a privately owned commercial composting facility;

   (iii) one representative of an agricultural industry that accepts food waste for composting, anaerobic digestion, or animal feed purposes;

   (iv) one representative of a developer of an anaerobic digestion project;

   (v) one representative of a hauler that offers collection of source–separated food waste;

   (vi) one representative of a large food waste processor in the State; and

   (vii) one representative of a supermarket chain store.

(c) The Secretary of the Environment, or the Secretary’s designee, and the Secretary of Business and Economic Development, or the Secretary’s designee, shall be the cochairs of the Task Force.

(d) The Department of the Environment and the Department of Business and Economic Development jointly shall provide staff for the Task Force.

(e) A member of the Task Force:

   (1) may not receive compensation as a member of the Task Force; but

   (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
(f) The Task Force shall:

(1) identify means to promote investment in infrastructure to expand capacity in the State to divert food waste from refuse disposal facilities;

(2) evaluate the current recovery of food waste in the State, opportunities for expansion, and how to overcome obstacles to expansion;

(3) identify organic waste recycling facilities and the capacity available in the State;

(4) identify properties or development zones where infrastructure may be developed;

(5) identify any tax or other incentives that already exist to encourage infrastructure development;

(6) identify persons that generate approximately 1 ton or more of food waste per week by name and location, the locations where those persons are concentrated, and the estimated total tonnage of food waste from those persons that is expected to be diverted from disposal if adequate capacity exists;

(7) study yard waste disposal bans in place in other states;

(8) study food waste recovery requirements in place in other states;

(9) identify other states that have permitting regulations for anaerobic digestion facilities and evaluate those regulations for adoption in Maryland;

(10) evaluate whether county solid waste management plans should:

(i) require an organic materials recycling program; and

(ii) address facility infrastructure needs for organic materials recycling;

(11) study ways to encourage a decentralized and distributed composting infrastructure;

(12) review the recommendations in the final report of the Composting Workgroup convened by the Maryland Department of the Environment;

(13) review the Maryland Department of the Environment’s Zero Waste Plan’s goals to increase the diversion of organic materials;

(14) identify ways that the diversion of food waste can help the State reach the recycling and waste diversion goals in the Zero Waste Plan;
(15) study how food waste diversion can help the State meet phosphorus management goals; and

(16) recommend specific legislative and other policy initiatives to implement the recommendations in the Composting Workgroup’s final report and the goals and objectives of the Zero Waste Plan, including measures to:

(i) strengthen the existing yard waste disposal ban; and

(ii) institute new requirements for food waste reduction and recycling.

(g) (1) On or before January 1, 2016, the Task Force shall report its interim findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) On or before January 1, 2017, the Task Force shall report its final findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

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;

(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.

(a) (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.

(b) (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.

9-1723.

[(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.
(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 residuals 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.

(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
(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.

9–1726.

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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
1, 2015. It shall remain effective for a period of 2 years and, at the end of June 30, 2017,
with no further action required by the General Assembly, this Act shall be abrogated and
of no further force and effect.