

Chapter 686

(House Bill 1440)

AN ACT concerning

Recycling – Composting Facilities

FOR the purpose of providing that a person may operate a composting facility only in accordance with certain requirements, regulations, orders, and permits; requiring the Department of the Environment to adopt regulations to implement certain provisions, including establishing certain conditions on the operation and construction of composting facilities; establishing a permit system for composting facilities; excluding certain materials from the definition of solid waste; exempting certain facilities from permitting requirements; providing that certain penalty provisions apply to violations of certain provisions, regulations, orders, or permits; clarifying the intent of certain provisions; altering certain definitions; defining certain terms; and generally relating to composting and solid waste.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–101(j), 9–1701, 9–1705, and 9–1721
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

BY adding to
Article – Environment
Section 9–1725 and 9–1726
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

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

Article – Environment

9–101.

(j) (1) “Solid waste” means any garbage, refuse, sludge, or liquid from industrial, commercial, mining, or agricultural operations or from community activities.

(2) “Solid waste” includes:

(i) Scrap tires as defined in § 9–201 of this title; and

(ii) Organic material capable of being composted [in accordance with Subtitle 17, Part III of this title] **THAT IS NOT COMPOSTED IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 9–1725(B) OF THIS TITLE.**

(3) “Solid waste” does not include:

(i) Solid or dissolved material in domestic sewage or in irrigation return flows; [or]

(ii) Compost as defined in § 9–1701 of this title; **OR**

(III) ORGANIC MATERIAL CAPABLE OF BEING COMPOSTED THAT IS COMPOSTED IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 9–1725(B) OF THIS TITLE.

9–1701.

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

(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.

[(d)] (E) (1) “Computer” means a desktop personal computer or laptop computer, including the computer monitor.

(2) “Computer” does not include:

(i) A personal digital assistant device;

(ii) A computer peripheral device, including:

1. A mouse or other similar pointing device;

2. A printer; or

3. A detachable keyboard.

[(e)] (F) (1) “Covered electronic device” means a computer or video display device with a screen that is greater than 4 inches measured diagonally.

(2) “Covered electronic device” does not include a video display device that is part of a motor vehicle or that is contained within a household appliance or commercial, industrial, or medical equipment.

[(f)] (G) “Covered electronic device takeback program” means a program, established by a covered electronic device manufacturer or a group of covered electronic device manufacturers, for the collection and recycling, refurbishing, or reuse of a covered electronic device labeled with the name of the manufacturer or the manufacturer’s brand label, including:

(1) Providing, at no cost to the returner, a method of returning a covered electronic device to the manufacturer, including postage paid mailing packages or designated collection points throughout the State;

(2) Contracting with a recycler, local government, other manufacturer, or any other person; or

(3) Any other program approved by the Department.

[(g)] (H) “Director” means the Director of the Office of Recycling.

[(h)] (I) “Manufacturer” means a person that is the brand owner of a covered electronic device sold or offered for sale in the State, by any means, including transactions conducted through sales outlets, catalogs, or the Internet.

[(i)] (J) (1) “Natural wood waste” means tree and other natural vegetative refuse.

(2) “Natural wood waste” includes tree stumps, brush and limbs, root mats, logs, and other natural vegetative material.

[(j)] (K) (1) “Natural wood waste recycling facility” means a facility where recycling services for natural wood waste are provided.

(2) “Natural wood waste recycling facility” does not include a collection or processing facility operated by:

(i) A nonprofit or governmental organization located in the State; or

(ii) A single individual or business that provides recycling services for its own employees or for its own recyclable materials generated on its own premises.

[(k)] (L) “Office” means the Office of Recycling within the Department.

[(l)] (M) “Recyclable materials” means those materials that:

(1) Would otherwise become solid waste for disposal in a refuse disposal system; and

(2) May be collected, separated, **COMPOSTED**, or processed and returned to the marketplace in the form of raw materials or products.

[(m)] (N) (1) “Recycling” means any process in which **RECYCLABLE** materials [that would otherwise become solid waste] are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(2) “Recycling” includes composting.

[(n)] (O) “Recycling services” means the services provided by persons engaged in the business of recycling, including the collection, processing, storage, purchase, sale, or disposition of recyclable materials.

[(o)] (P) “Resource recovery facility” means a facility in existence as of January 1, 1988 that:

(1) Processes solid waste to produce valuable resources, including steam, electricity, metals, or refuse-derived fuel; and

(2) Achieves a volume reduction of at least 50 percent of its solid waste stream.

[(p)] (Q) (1) “Solid waste stream” means garbage or refuse that would, unless recycled, be disposed of in a refuse disposal system [located in this State].

(2) “SOLID WASTE STREAM” INCLUDES ORGANIC MATERIAL CAPABLE OF BEING COMPOSTED THAT IS NOT COMPOSTED IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 9-1725(B) OF THIS SUBTITLE.

[(2)] (3) “Solid waste stream” does not include:

- (i) Hospital waste;
- (ii) Rubble;
- (iii) Scrap material;
- (iv) Land clearing debris;
- (v) Sewage sludge; or
- (vi) Waste generated by a single individual or business and disposed of in a facility dedicated solely for that entity’s waste.

[(q)] (R) (1) “Video display device” means an electronic device with an output surface that displays or is capable of displaying moving graphical images or visual representations of image sequences or pictures that show a number of quickly changing images on a screen to create the illusion of motion.

(2) “Video display device” includes a device that is an integral part of the display and cannot easily be removed from the display by the consumer and that produces the moving image on the screen.

(3) A video display device may use a cathode-ray tube (CRT), liquid crystal display (LCD), gas plasma, digital light processing, or other image-projection technology.

[(r)] (S) “White goods” includes:

- (1) Refrigerators;
- (2) Stoves;
- (3) Washing machines;
- (4) Dryers;
- (5) Water heaters; and

- (6) Air conditioners.

[(s)] (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.

9–1705.

(a) Beginning on July 1, 1990, and biannually thereafter, each county which has not achieved the percentage of **[solid waste]** reduction **IN ITS SOLID WASTE STREAM** required by this article shall, as a part of its solid waste plan update, provide a report to the Department which shall include:

(1) The total amount, by weight, of solid waste collected;

(2) The total amount, by weight, of solid waste disposed of at solid waste acceptance facilities;

(3) The amount and types of materials recycled;

(4) The methods of disposal of solid waste used, other than recycling;
and

(5) The percentage reduction in the **[amount of solid waste needing disposal]** **SOLID WASTE STREAM** that has been achieved.

(b) A county that has achieved the percentage of solid waste **STREAM** reduction required by this article shall provide the report described in subsection (a) of this section to the Department annually, on a calendar year basis.

(c) All reports shall be provided within 90 days after the close of the annual or biannual reporting period.

9–1721.

Nothing in this part is intended to regulate or otherwise to interfere with the conduct of **[composting by]** a consumer or farmer **WHO COMPOSTS ORGANIC MATERIALS GENERATED ON A FARM OR RESIDENTIAL SITE CONTROLLED BY THAT CONSUMER OR FARMER** for the production of safe compost to be used by the consumer or farmer for personal, household, family, or agricultural purposes.

9–1725.

(A) A PERSON MAY OPERATE A COMPOSTING 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 IN THE STATE;

(II) ESTABLISH A TIERED SYSTEM OF PERMITS OR APPROVALS FOR COMPOSTING 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 TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT AND TO MINIMIZE NUISANCES;

(IV) ESTABLISH EXCEPTIONS TO ANY REQUIREMENT TO OBTAIN A COMPOSTING FACILITY PERMIT OR APPROVAL;

(V) EXEMPT CERTAIN ORGANIC MATERIALS THAT ARE COMPOSTED 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.

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 July 1, 2013.

Approved by the Governor, May 16, 2013.