

HOUSE BILL 61

M3

6lr0051

(PRE-FILED)

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Environment)**

Requested: October 27, 2015

Introduced and read first time: January 13, 2016

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2016

CHAPTER _____

1 AN ACT concerning

2 **Environment – Solid Waste, Recycling, and Anaerobic Digestion**

3 FOR the purpose of providing that a person may operate an anaerobic digestion facility
4 only in accordance with certain requirements, regulations, orders, and permits;
5 requiring the Department of the Environment to adopt regulations to implement
6 certain provisions relating to anaerobic digestion, including establishing certain
7 conditions on the operation and construction of anaerobic digestion facilities;
8 establishing a permit system for anaerobic digestion facilities; requiring a certain
9 permit for a certain sewage treatment works where anaerobic digestion takes place
10 to include certain conditions relating to the anaerobic digester and related
11 equipment and infrastructure; requiring the Department to impose certain
12 conditions relating to anaerobic digestion on certain discharge permits; exempting
13 an anaerobic digestion facility located on a farm from certain permit requirements
14 under certain circumstances; requiring the Department to adopt regulations relating
15 to recycling facilities, including conditions for permit exemptions; providing that
16 certain penalty provisions apply to violations of certain provisions, regulations,
17 orders, or permits; altering certain definitions, including the definition of “solid
18 waste” to include and exclude certain materials; requiring the Department to
19 convene and consult with a certain workgroup in developing certain regulations;
20 requiring the workgroup to include representatives of certain entities; defining
21 certain terms; making stylistic changes; and generally relating to solid waste,
22 recycling, and anaerobic digestion.

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.



1 BY repealing and reenacting, with amendments,
 2 Article – Environment
 3 Section 9–101(j), ~~9–204(d)~~, ~~9–326(a)~~, 9–1701, and 9–1725; the part immediately
 4 preceding Section 9–1707 to be the amended part “Part II. Recyclable
 5 Materials and Recycling Facilities”; and the part immediately preceding
 6 Section 9–1721 to be the amended part “Part III. Composting and Anaerobic
 7 Digestion”
 8 Annotated Code of Maryland
 9 (2014 Replacement Volume and 2015 Supplement)

10 BY repealing and reenacting, without amendments,
 11 Article – Environment
 12 Section 9–1707(a)(1) and 9–1721
 13 Annotated Code of Maryland
 14 (2014 Replacement Volume and 2015 Supplement)

15 BY adding to
 16 Article – Environment
 17 Section 9–1713
 18 Annotated Code of Maryland
 19 (2014 Replacement Volume and 2015 Supplement)

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

22 **Article – Environment**

23 9–101.

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

26 (2) “Solid waste” includes:

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

28 (ii) Organic material capable of being composted **OR**
 29 **ANAEROBICALLY DIGESTED** that is not composted **OR ANAEROBICALLY DIGESTED** in
 30 accordance with regulations adopted under § 9–1725(b) of this title;

31 **(iii) MATERIALS THAT ARE MANAGED AT A RECYCLING FACILITY**
 32 **AND ARE NOT RETURNED TO THE MARKETPLACE IN THE FORM OF A RAW MATERIAL**
 33 **OR PRODUCT RECYCLABLE MATERIALS AS DEFINED IN § 9–1701 OF THIS TITLE; AND**

34 **(iv) RECYCLABLE MATERIALS AS DEFINED IN § 9–1701 OF THIS**
 35 **TITLE THAT ARE NOT RETURNED;**

1 **1. RETURNED TO THE MARKETPLACE IN THE FORM OF A**
2 **RAW MATERIAL OR PRODUCT WITHIN 1 CALENDAR YEAR FROM THE TIME THEY ARE**
3 **RECEIVED; OR**

4 **2. OTHERWISE MANAGED IN ACCORDANCE WITH**
5 **REGULATIONS ADOPTED UNDER § 9-1713 OF THIS TITLE.**

6 (3) “Solid waste” does not include:

7 (i) Solid or dissolved material in domestic sewage or in irrigation
8 return flows;

9 (ii) Compost as defined in § 9-1701 of this title; [or]

10 (iii) Organic material capable of being composted **OR**
11 **ANAEROBICALLY DIGESTED** that is composted **OR ANAEROBICALLY DIGESTED** in
12 accordance with regulations adopted under § 9-1725(b) of this title; ~~OR~~

13 **(IV) MATERIALS THAT ARE MANAGED AT A RECYCLING FACILITY**
14 **IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 9-1713 OF THIS TITLE;**

15 **(V) ORGANIC MATERIALS THAT ARE MANAGED IN ACCORDANCE**
16 **WITH A SEWAGE SLUDGE UTILIZATION PERMIT ISSUED BY THE DEPARTMENT UNDER**
17 **THIS TITLE; OR**

18 **(VI) ORGANIC MATERIALS THAT ARE MANAGED AT A PUBLICLY**
19 **OWNED TREATMENT WORKS OR OTHER SEWAGE TREATMENT WORKS IN**
20 **ACCORDANCE WITH A PERMIT ISSUED UNDER §§ 9-204 AND 9-324 OF THIS TITLE.**

21 9-204.

22 (d) **(1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A person**
23 **shall have a permit issued by the Secretary under this section before the person installs,**
24 **materially alters, or materially extends a water supply system, sewerage system, or refuse**
25 **disposal system.**

26 **(2) A PERMIT ISSUED UNDER THIS SUBSECTION FOR A PUBLICLY**
27 **OWNED TREATMENT WORKS OR OTHER SEWAGE TREATMENT WORKS WHERE**
28 **ANAEROBIC DIGESTION TAKES PLACE SHALL INCLUDE CONDITIONS SPECIFIC TO**
29 **THE ANAEROBIC DIGESTER AND RELATED EQUIPMENT AND INFRASTRUCTURE THAT**
30 **ARE CONSISTENT WITH THE REQUIREMENTS APPLICABLE TO ANAEROBIC**
31 **DIGESTION FACILITIES ADOPTED BY THE DEPARTMENT BY REGULATION IN**
32 **ACCORDANCE WITH § 9-1725 OF THIS TITLE.**

1 9-326.

2 (a) (1) The Department may make the issuance of a discharge permit
 3 contingent on any conditions the Department considers necessary to prevent violation of
 4 this subtitle.

5 (2) In [permits] A PERMIT for the discharge of pollutants from A publicly
 6 owned treatment works, the Department:

7 (i) May impose as conditions appropriate measures to establish and
 8 insure compliance by industrial users with any system of user charges required by State or
 9 federal law or by any rule, regulation, or guideline adopted under State or federal law; and

10 (ii) Shall impose as conditions requirements for the permit holder to
 11 provide information about new introductions of pollutants or substantial changes in the
 12 volume or character of pollutants being introduced into the treatment works.

13 **(3) IN A PERMIT FOR THE DISCHARGE OF POLLUTANTS FROM A**
 14 **PUBLICLY OWNED TREATMENT WORKS OR OTHER SEWAGE TREATMENT WORKS**
 15 **WHERE ANAEROBIC DIGESTION TAKES PLACE, THE DEPARTMENT SHALL IMPOSE AS**
 16 **CONDITIONS REQUIREMENTS FOR THE ANAEROBIC DIGESTION PROCESS THAT ARE**
 17 **CONSISTENT WITH THE REQUIREMENTS APPLICABLE TO ANAEROBIC DIGESTION**
 18 **FACILITIES ADOPTED BY THE DEPARTMENT BY REGULATION IN ACCORDANCE WITH**
 19 **§ 9-1725 OF THIS TITLE.**

20 9-1701.

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

22 (B) **“ANAEROBIC DIGESTION” MEANS THE CONTROLLED BIOLOGICAL**
 23 **DECOMPOSITION OF ORGANIC WASTE MATERIAL IN THE ABSENCE OF OXYGEN, WITH**
 24 **THE CONCURRENT CAPTURE OF PRODUCED GASES AND DIGESTATE, AND IN**
 25 **ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE SECRETARY UNDER**
 26 **THIS TITLE.**

27 (C) (1) **“ANAEROBIC DIGESTION FACILITY” MEANS A FACILITY WHERE**
 28 **ANAEROBIC DIGESTION TAKES PLACE.**

29 (2) **“ANAEROBIC DIGESTION FACILITY” DOES NOT INCLUDE A**
 30 **~~FACILITY THAT IS REQUIRED TO OBTAIN:~~**

31 (i) **A FACILITY THAT IS REQUIRED TO OBTAIN A SEWAGE**
 32 **SLUDGE UTILIZATION PERMIT IN ACCORDANCE WITH THIS TITLE; OR**

1 **(II) A FACILITY THAT IS REQUIRED TO OBTAIN A REFUSE**
2 **DISPOSAL PERMIT IN ACCORDANCE WITH THIS TITLE; OR**

3 **(III) A PUBLICLY OWNED TREATMENT WORKS OR OTHER**
4 **SEWAGE TREATMENT WORKS WHERE ANAEROBIC DIGESTION TAKES PLACE IN**
5 **ACCORDANCE WITH A PERMIT ISSUED UNDER §§ 9-204 AND 9-324 OF THIS TITLE.**

6 **[(b)] (D)** “Compost” means the product of composting in accordance with the
7 standards established by the Secretary of Agriculture under § 6-221 of the Agriculture
8 Article.

9 **[(c)] (E)** “Composting” means the controlled aerobic biological decomposition of
10 organic waste material in accordance with the standards established by the Secretary
11 under this title.

12 **[(d)] (F)** (1) “Composting facility” means a facility where composting takes
13 place.

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

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

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

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

21 **[(e)] (G)** (1) “Computer” means a desktop personal computer or laptop
22 computer, including the computer monitor.

23 (2) “Computer” does not include:

24 (i) A personal digital assistant device; or

25 (ii) A computer peripheral device, including:

26 1. A mouse or other similar pointing device;

27 2. A printer; or

28 3. A detachable keyboard.

29 **[(f)] (H)** (1) “Covered electronic device” means a computer or video display
30 device with a screen that is greater than 4 inches measured diagonally.

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

4 **[(g)] (I)** “Covered electronic device takeback program” means a program,
5 established by a covered electronic device manufacturer or a group of covered electronic
6 device manufacturers, for the collection and recycling, refurbishing, or reuse of a covered
7 electronic device labeled with the name of the manufacturer or the manufacturer’s brand
8 label, including:

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

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

14 (3) Any other program approved by the Department.

15 **[(h)] (J)** “Director” means the Director of the Office of Recycling.

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

19 **[(j)] (L)** (1) “Natural wood waste” means tree and other natural vegetative
20 refuse.

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

23 **[(k)] (M)** (1) “Natural wood waste recycling facility” means a facility where
24 recycling services for natural wood waste are provided.

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

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

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

30 **[(l)] (N)** “Office” means the Office of Recycling within the Department.

31 **[(m)] (O)** “Recyclable materials” means those materials that:

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

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

5 **[(n)] (P)** (1) “Recycling” means any process in which recyclable materials are
6 collected, separated, or processed and returned to the marketplace in the form of raw
7 materials or products.

8 (2) “Recycling” includes **[composting]**:

9 **(I) COMPOSTING; AND**

10 **(II) ANAEROBIC DIGESTION IF THE DIGESTATE IS RETURNED TO**
11 **THE MARKETPLACE IN THE FORM OF A RAW MATERIAL OR PRODUCT.**

12 **[(o)] (Q)** “Recycling services” means the services provided by persons engaged in
13 the business of recycling, including the collection, processing, storage, purchase, sale, or
14 disposition of recyclable materials.

15 **[(p)] (R)** “Resource recovery facility” means a facility in existence as of January
16 1, 1988 that:

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

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

21 **[(q)] (S)** (1) “Solid waste stream” means garbage or refuse that would, unless
22 recycled, be disposed of in a refuse disposal system.

23 (2) “Solid waste stream” includes organic material capable of being
24 composted **OR ANAEROBICALLY DIGESTED** that is not composted **OR ANAEROBICALLY**
25 **DIGESTED** in accordance with regulations adopted under § 9-1725(b) of this subtitle.

26 (3) “Solid waste stream” does not include:

27 (i) Hospital waste;

28 (ii) Rubble;

29 (iii) Scrap material;

- 1 (iv) Land clearing debris;
- 2 (v) Sewage sludge; or
- 3 (vi) Waste generated by a single individual or business and disposed
4 of in a facility dedicated solely for that entity's waste.

5 **[(r)] (T)** (1) "Video display device" means an electronic device with an output
6 surface that displays or is capable of displaying moving graphical images or visual
7 representations of image sequences or pictures that show a number of quickly changing
8 images on a screen to create the illusion of motion.

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

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

14 **[(s)] (U)** "White goods" includes:

- 15 (1) Refrigerators;
- 16 (2) Stoves;
- 17 (3) Washing machines;
- 18 (4) Dryers;
- 19 (5) Water heaters; and
- 20 (6) Air conditioners.

21 **[(t)] (V)** (1) "Yard waste" means organic plant waste derived from gardening,
22 landscaping, and tree trimming activities.

23 (2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds, and
24 prunings.

25 Part II. Recyclable Materials AND **RECYCLING FACILITIES.**

26 9-1707.

27 (a) (1) In this section the following words have the meanings indicated.

28 **9-1713.**

1 (A) (1) IN THIS SECTION, “RECYCLING FACILITY” MEANS A FACILITY
2 THAT PROVIDES RECYCLING SERVICES.

3 (2) “RECYCLING FACILITY” DOES NOT INCLUDE:

4 (I) A COMPOSTING FACILITY;

5 (II) AN ANAEROBIC DIGESTION FACILITY;

6 (III) A NATURAL WOOD WASTE RECYCLING FACILITY; ~~OR~~

7 (IV) A FACILITY THAT REQUIRES A SEWAGE SLUDGE
8 UTILIZATION PERMIT UNDER SUBTITLE 2 OF THIS TITLE;

9 (V) A PUBLICLY OWNED TREATMENT WORKS OR OTHER
10 SEWAGE TREATMENT WORKS WHERE ANAEROBIC DIGESTION TAKES PLACE IN
11 ACCORDANCE WITH A PERMIT ISSUED UNDER §§ 9-204 AND 9-324 OF THIS TITLE;
12 OR

13 (VI) A FACILITY THAT USES CLASS A SEWAGE SLUDGE AND IS
14 SPECIFICALLY EXEMPTED FROM THE REQUIREMENT TO OBTAIN A SEWAGE SLUDGE
15 UTILIZATION PERMIT UNDER REGULATIONS ADOPTED BY THE DEPARTMENT.

16 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:

17 (1) ESTABLISH CONDITIONS UNDER WHICH A RECYCLING FACILITY
18 DOES NOT REQUIRE A REFUSE DISPOSAL PERMIT UNDER SUBTITLE 2 OF THIS TITLE;
19 AND

20 (2) EXEMPT CERTAIN MATERIALS THAT ARE MANAGED AT A
21 RECYCLING FACILITY FROM BEING DESIGNATED AS SOLID WASTE.

22 (C) REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS SECTION MAY
23 INCLUDE:

24 (1) DESIGN, CONSTRUCTION, AND OPERATIONAL CONDITIONS FOR
25 RECYCLING FACILITIES TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT AND
26 TO MINIMIZE NUISANCES;

27 (2) A TIERED SYSTEM OF PERMITS OR APPROVALS FOR RECYCLING
28 FACILITIES BASED ON THE QUANTITY OF MATERIAL MANAGED, THE METHODS OF
29 MANAGEMENT AND STORAGE, AND OTHER FACTORS DETERMINED BY THE
30 DEPARTMENT TO BE APPROPRIATE; AND

1 **(3) EXCEPTIONS TO ANY REQUIREMENT TO OBTAIN A RECYCLING**
2 **FACILITY PERMIT OR APPROVAL.**

3 **(D) THE PROVISIONS OF §§ 9-334 THROUGH 9-342 OF THIS TITLE AND §**
4 **10-104 OF THIS ARTICLE SHALL BE USED AND SHALL APPLY TO ENFORCE**
5 **VIOLATIONS OF:**

6 **(1) THIS SECTION;**

7 **(2) ANY REGULATION ADOPTED UNDER THIS SECTION; OR**

8 **(3) ANY ORDER OR PERMIT ISSUED UNDER THIS SECTION.**

9 Part III. Composting AND ANAEROBIC DIGESTION.

10 9-1721.

11 Nothing in this part is intended to regulate or otherwise to interfere with the conduct
12 of a consumer or farmer who composts organic materials generated on a farm or residential
13 site controlled by that consumer or farmer for the production of safe compost to be used by
14 the consumer or farmer for personal, household, family, or agricultural purposes.

15 9-1725.

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

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

21 (2) Regulations adopted under paragraph (1) of this subsection may:

22 (i) Establish conditions under which a person may construct and
23 operate a composting facility OR ANAEROBIC DIGESTION FACILITY in the State;

24 (ii) Establish a tiered system of permits or approvals for composting
25 facilities AND ANAEROBIC DIGESTION FACILITIES based on the type of feedstock, size of
26 [the] facility, and other factors determined by the Department to be appropriate;

27 (iii) Establish design and operational conditions for composting
28 facilities AND ANAEROBIC DIGESTION FACILITIES to protect public health and the
29 environment and to minimize nuisances;

1 (iv) Establish exceptions to any requirement to obtain a composting
 2 facility permit or approval **OR ANAEROBIC DIGESTION FACILITY PERMIT OR**
 3 **APPROVAL;**

4 (v) Exempt certain organic materials that are composted **OR**
 5 **ANAEROBICALLY DIGESTED** from being designated as solid wastes; and

6 (vi) Establish any other provisions the Department deems necessary
 7 to implement the provisions of this subtitle related to composting **AND ANAEROBIC**
 8 **DIGESTION.**

9 **(3) AN ANAEROBIC DIGESTION FACILITY LOCATED ON A FARM SHALL**
 10 **BE EXEMPT FROM ANY REQUIREMENT TO OBTAIN A PERMIT OR APPROVAL UNDER**
 11 **THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF THE**
 12 **ANAEROBIC DIGESTION FACILITY COMPLIES WITH CONSERVATION PRACTICE**
 13 **STANDARD 366, ADOPTED BY THE UNITED STATES DEPARTMENT OF**
 14 **AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) In developing the regulations applicable to recycling facilities and anaerobic
 17 digestion facilities as required under this Act, the Department of the Environment shall
 18 convene and consult with a workgroup of affected stakeholders.

19 (b) The workgroup convened under subsection (a) of this section shall include
 20 representatives from:

21 (1) the Maryland Association of Counties;

22 (2) the Maryland–Delaware Solid Waste Association;

23 (3) the Maryland Environmental Service;

24 (4) the Northeast Maryland Waste Disposal Authority;

25 (5) the Maryland Recycling Network;

26 (6) businesses that will be directly impacted by the required regulations;

27 and

28 (7) any other organization or entity, as determined by the Department.

29 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 October 1, 2016.