

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 392 (Senator Eckardt)
Education, Health, and Environmental Affairs

Dorchester County - Recycling at Special Events - Exemptions

This bill exempts Dorchester County from (1) the requirement to revise its recycling plan to address the collection and recycling of recyclable materials from special events by October 1, 2015, and (2) provisions that require recycling at specified special events.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: Local expenditures in Dorchester County decrease minimally, as the county no longer needs to revise its county recycling plan and local governments within the county no longer need to procure additional recycling bins for special events organized by the local governments or conduct any additional enforcement or inspection activities. Potential minimal decrease in local revenues in Dorchester County from any penalties that otherwise would have been assessed and from the sale of any recyclable materials that otherwise would have been collected.

Small Business Effect: Potential meaningful impact in Dorchester County.

Analysis

Bill Summary: The bill exempts Dorchester County from provisions of law enacted by Chapter 338 of 2014. Chapter 338 required counties to revise their recycling plans by October 1, 2015, to address recycling at special events. The Act also requires the organizer of a special event to (1) provide a recycling receptacle immediately adjacent to each trash receptacle at the special event; (2) ensure that all recycling receptacles are clearly distinguished from trash receptacles by color or signage; and (3) ensure that all recyclable

materials deposited into recycling receptacles at the special event are collected for recycling. These requirements apply to any special event that includes temporary or periodic use of a public street, publicly owned site or facility, or public park; serves food or drink; and is expected to have 200 or more persons in attendance.

Chapter 338 also established a civil penalty for a violation of the statutory recycling requirements at special events of \$50 per day. This may be enforced by inspections conducted by an enforcement unit, officer, or official of a county, a municipality, or any other local government. Any civil penalty collected must be paid to the local jurisdiction that brought the enforcement action.

Current Law/Background: The Maryland Department of the Environment (MDE) promotes and encourages waste diversion across the State. Waste diversion combines both recycling and source reduction activities. The Maryland Recycling Act, as amended by Chapter 692 of 2012, requires all counties and Baltimore City to recycle percentages of their waste generated, depending on population.

Counties have flexibility to determine the best way to reach the required recycling rates. The county recycling plan, revised on a triennial basis, must address specified issues such as the feasibility of composting mixed solid waste, methods for the separate collection and composting of yard waste, and methods of financing county recycling efforts, among other issues. Chapters 264 and 265 of 2009 added to this list a strategy for collecting, processing, marketing, and disposing of recyclable materials from county public schools, and Chapter 430 of 2010 added to this list a strategy for the collection and recycling of fluorescent lights containing mercury. As noted above, Chapter 338 of 2014 required counties to revise their recycling plans to address the collection and recycling of recyclable materials from special events by October 1, 2015. The recycling required for special events must be carried out in accordance with the revised county recycling plans.

MDE advises that it reviewed and provided preliminary approval of a proposed revision of Dorchester County's recycling plan to address special events recycling pursuant to Chapter 338. However, MDE reports that in September 2015, the county commissioners decided to defer consideration on the proposed plan amendment and, as a result, the county failed to comply with the requirement under Chapter 338 to amend its recycling plan by October 1, 2015.

MDE advises that all counties except two (Dorchester and Worcester) have amended their recycling plans to address special events recycling.

Small Business Effect: Small businesses engaged in organizing special events in Dorchester County no longer incur costs to comply with recycling requirements under

Chapter 338. Any savings may be partially offset to the extent that businesses continue to pay tipping fees for the disposal of materials in landfills instead of recycling.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Dorchester County, Maryland Department of the Environment, Department of Natural Resources, Department of Legislative Services

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