

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1309

(Delegate Frush, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Environment - Recycling - Special Events

This bill requires the State, a county, a municipality, or any other local government, before issuing a special event permit, to provide the organizer of the event with a written statement that describes the recycling requirements and the penalty for violations. The bill also increases the maximum civil penalty applicable to violations of the recycling requirements from \$50 to \$300 for each day on which a violation exists.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations. It is assumed that any affected State agencies can provide written statements to event organizers with existing budgeted resources.

Local Effect: Local revenues may increase minimally due to the increase in the maximum civil penalty applicable to violations. It is assumed that local governments can provide written statements to event organizers with existing resources.

Small Business Effect: None, assuming compliance with the law.

Analysis

Current Law: Chapter 338 of 2014 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 (1) includes temporary or periodic use of a public street, publicly

owned site or facility, or public park; (2) serves food or drink; and (3) is expected to have 200 or more persons in attendance.

Chapter 338 also established a civil penalty of up to \$50 per day for a violation of the recycling requirements at special events. An enforcement unit, officer, or official of a county, a municipality, or any other local government is authorized to conduct inspections of a special event location to enforce the recycling requirements. Any civil penalty collected must be paid to the local jurisdiction that brought the enforcement action.

Background: The Maryland Department of the Environment 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 specified 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. 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.

Additional Information

Prior Introductions: None.

Cross File: SB 885 (Senators Rosapepe and Kagan) - Education, Health, and Environmental Affairs.

Information Source(s): Garrett and Montgomery counties; Maryland Department of the Environment; Department of Legislative Services

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