

HOUSE BILL 1081

M3

4lr2301

By: **Delegates S. Robinson, Carr, Cullison, Fraser-Hidalgo, Frush, Hixson,
Hucker, A. Kelly, A. Miller, and Mizeur**

Introduced and read first time: February 6, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Composting and Anaerobic Digestion Facilities – Yard Waste and Food**
3 **Residuals**

4 FOR the purpose of altering certain provisions of law relating to the composting of
5 yard waste; requiring a person to dispose of yard waste in a certain manner
6 under certain circumstances on or after a certain date; requiring a person to
7 dispose of food residuals in a certain manner under certain circumstances on or
8 after a certain date; requiring the Department of the Environment to adopt
9 certain regulations; defining certain terms; and generally relating to composting
10 and anaerobic digestion facilities.

11 BY repealing and reenacting, without amendments,
12 Article – Environment
13 Section 9–1701(a), (b), (c), (d), and (t) and 9–1726
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2013 Supplement)

16 BY adding to
17 Article – Environment
18 Section 9–1701(a–1), (a–2), and (h–1) and 9–1724
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2013 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Environment
23 Section 9–1723 and 9–1725
24 Annotated Code of Maryland
25 (2007 Replacement Volume and 2013 Supplement)

26 BY repealing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Environment
2 Section 9–1724
3 Annotated Code of Maryland
4 (2007 Replacement Volume and 2013 Supplement)

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

7 **Article – Environment**

8 9–1701.

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

10 (A–1) “ANAEROBIC DIGESTION” MEANS THE CONTROLLED BIOLOGICAL
11 DECOMPOSITION OF ORGANIC WASTE MATERIAL IN THE ABSENCE OF OXYGEN
12 AND WITH THE CONCURRENT CAPTURE OF PRODUCED GASES.

13 (A–2) “ANAEROBIC DIGESTION FACILITY” MEANS A FACILITY WHERE
14 ANAEROBIC DIGESTION TAKES PLACE.

15 (b) “Compost” means the product of composting in accordance with the
16 standards established by the Secretary of Agriculture under § 6–221 of the Agriculture
17 Article.

18 (c) “Composting” means the controlled aerobic biological decomposition of
19 organic waste material in accordance with the standards established by the Secretary
20 under this title.

21 (d) (1) “Composting facility” means a facility where composting takes
22 place.

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

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

27 (ii) A sewage sludge utilization permit in accordance with this
28 title; or

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

30 (H–1) “FOOD RESIDUALS” MEANS MATERIAL DERIVED FROM THE
31 PROCESSING OR DISCARDING OF FOOD, INCLUDING PRE– AND

1 POST-CONSUMER VEGETABLES, FRUITS, GRAINS, DAIRY PRODUCTS, MEATS,
2 AND COMMINGLED COMPOSTABLE FOOD SERVICE WARE OR PACKAGING.

3 (t) (1) "Yard waste" means organic plant waste derived from gardening,
4 landscaping, and tree trimming activities.

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

7 9-1723.

8 [(a) All yard waste collected separately from other solid waste may be
9 transported to a composting facility.]

10 (A) (1) THIS SUBSECTION APPLIES TO YARD WASTE THAT IS
11 GENERATED WITHIN 30 MILES OF A COMPOSTING FACILITY OR AN ANAEROBIC
12 DIGESTION FACILITY THAT:

13 (I) HAS THE CAPACITY TO ACCEPT THE YARD WASTE; AND

14 (II) IS WILLING TO ACCEPT THE YARD WASTE.

15 (2) ON OR AFTER OCTOBER 1, 2015, A PERSON THAT DISPOSES
16 YARD WASTE SHALL:

17 (I) SEPARATE THE YARD WASTE FROM OTHER SOLID
18 WASTE; AND

19 (II) ENSURE THE SEPARATED YARD WASTE IS
20 TRANSPORTED TO A COMPOSTING FACILITY OR AN ANAEROBIC DIGESTION
21 FACILITY FOR FINAL DISPOSAL.

22 (b) (1) [The] A composting facility THAT ACCEPTS YARD WASTE may be
23 located at a refuse disposal system.

24 (2) AN OWNER OR OPERATOR OF A REFUSE DISPOSAL SYSTEM
25 MAY NOT ACCEPT TRUCKLOADS OF SEPARATELY COLLECTED YARD WASTE FOR
26 FINAL DISPOSAL UNLESS THE OWNER OR OPERATOR PROVIDES FOR THE
27 COMPOSTING OR MULCHING OF THE YARD WASTE.

28 [9-1724.

1 An owner or operator of a refuse disposal system may not accept truckloads of
2 separately collected yard waste for final disposal unless the owner or operator provides
3 for the composting or mulching of the yard waste.]

4 **9-1724.**

5 **(A) THIS SECTION APPLIES TO A PERSON THAT GENERATES FOOD**
6 **RESIDUALS WITHIN 30 MILES OF A COMPOSTING FACILITY OR AN ANAEROBIC**
7 **DIGESTION FACILITY THAT:**

8 **(1) HAS THE CAPACITY TO ACCEPT THE FOOD RESIDUALS; AND**

9 **(2) IS WILLING TO ACCEPT THE FOOD RESIDUALS.**

10 **(B) ON OR AFTER OCTOBER 1, 2015, A PERSON THAT GENERATES AT**
11 **LEAST TWO TONS OF FOOD RESIDUALS PER WEEK SHALL:**

12 **(1) SEPARATE THE FOOD RESIDUALS FROM SOLID WASTE; AND**

13 **(2) ENSURE THAT THE FOOD RESIDUALS ARE TRANSPORTED TO A**
14 **COMPOSTING FACILITY OR AN ANAEROBIC DIGESTION FACILITY FOR FINAL**
15 **DISPOSAL.**

16 **9-1725.**

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

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

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

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

26 (ii) Establish a tiered system of permits or approvals for
27 composting facilities **OR ANAEROBIC DIGESTION FACILITIES** based on the type of
28 feedstock, size of the facility, and other factors determined by the Department to be
29 appropriate;

1 (iii) Establish design and operational conditions for composting
2 facilities **OR ANAEROBIC DIGESTION FACILITIES** to protect public health and the
3 environment and to minimize nuisances;

4 (iv) Establish exceptions to any requirement to obtain a
5 composting facility **OR AN ANAEROBIC DIGESTION FACILITY** permit or approval;

6 (v) Exempt certain organic materials that are composted from
7 being designated as solid wastes; and

8 (vi) Establish any other provisions the Department deems
9 necessary to implement the provisions of this subtitle related to composting.

10 9–1726.

11 The provisions of §§ 9–334 through 9–342 of this title shall be used and shall
12 apply to enforce violations of:

13 (1) This part;

14 (2) Any regulation adopted under this part; or

15 (3) Any order or permit issued under this part.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2014.