



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101 • www.mde.state.md.us

Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

February 11, 2014

The Honorable Joan Carter Conway, Chair
Members, Education, Health and Environmental Affairs Committee
Senate Office Building, Suite 2W
Annapolis, MD 21401

Re: Senate Bill 56– *Environment – Solid Waste Management Practices – Maryland Recycling and Landfill Diversion Task Force*

Dear Chairwoman Conway and Committee Members:

The Maryland Department of the Environment has reviewed Senate Bill 56 entitled *Environment – Solid Waste Management Practices – Maryland Recycling and Landfill Diversion Task Force*. We support the objectives of the bill to increase recycling and reduce the volume of waste going into our landfills, but suggest three amendments to enhance the bill.

Maryland has for years enjoyed relative success as a leader in waste diversion, ranking among the top states in the nation. The State has significantly increased its recycling rate over the past two decades. In 2012, the State-wide municipal solid waste recycling rate was 45.4 percent, up from 19 percent in 1992, the first year for which data is available. Even so, Marylanders continue to dispose of more than half the waste they generate each year, the majority of it in landfills. For some materials, progress has been slow or stagnant. In addition, a number of challenges – population growth, energy and transportation costs, fluctuations in markets for recyclable materials, and a lack of sustainable funding for recycling programs – have adversely impacted recycling programs in recent years. Moreover, as Maryland achieves higher levels of waste diversion, the remaining materials will increasingly be those for which simple solutions are not available.

Because these challenges require a more comprehensive approach to materials management, the Department is developing an aspirational Zero Waste Strategy with a long-term objective to nearly eliminate disposal of solid waste. This strategy will take into account the entire lifecycle of each product, will prioritize methods of materials management in order to maximize the value recovered from each material, and will include new long-term 2040 recycling and waste diversion goals. The Governor plans to solicit stakeholder input on the proposed Strategy in late spring this year. We expect the release of the State's proposed Zero Waste Strategy to inform the deliberations of the Task Force established by Senate Bill 56.

The Department requests three amendments to the bill. First, in § 9-504 (B), the bill requires the Department and each county to adopt the solid waste management hierarchy of the United States Environmental Protection Agency (USEPA), which lists solid waste management practices in order of preference. The USEPA hierarchy is not codified in federal law or regulation. Rather, it is a policy that is subject to change. The Department's amendment would remove the USEPA reference altogether and reorganize the order of preference for solid waste practices as follows: (1) source reduction, including reuse; (2) recycling and composting; (3) energy recovery, including anaerobic digestion; and (4) treatment and disposal. The amendment would delete (B) (1)



(D), which refers to the USEPA hierarchy, as well as (B) (2), the requirement for the counties and the Department to adopt the hierarchy, since the preferences would be codified in law.

Second, we request that the recycling and landfill diversion portfolio standard's proposed minimum recycling rates in Section 3 (h) (4) conform with § 9-1706.1 (b) of the Environment Article, which establish 2020 aspirational State-wide recycling and waste diversion goals of 55 and 60 percent, respectively.

Finally, in Section 3, on page 5, the Department suggests deleting "(h) (6) determine the appropriate definition of "solid waste" that should be incorporated into a recycling and landfill diversion portfolio standard." The existing statutory definition of "solid waste" affects many parts of the State's solid and hazardous waste laws and was recently revised to provide authority for the development of the Department's proposed organics composting regulations. We see no need for further revision to the statutory definition at this time.

Thank you for your consideration. We will continue to monitor Senate Bill 56 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at jeffrey.fretwell@maryland.gov.

Sincerely,



Jeffrey Fretwell

cc: The Honorable Thomas M. Middleton
Mr. Horacio Tablada, Director, Land Management Administration