

## Zero Waste Blog Series 2013

First published in *Conduit Street*, written by Michael Sanderson, Executive Director, and Robin Clark, Policy Analyst, Maryland Association of Counties

### Counties Raise “Zero Waste” Concerns

March 8, 2013

On March 5, MACo Legal and Policy Counsel Les Knapp, Cecil County Solid Waste Division Chief Pete Bieniek, and Harford County Recycling Deputy Director Tom Hilton testified in opposition to [SB 799](#), a proposed “zero waste” bill that would impose new recycling and waste diversion mandates on county governments. The goal of the bill would be to increase recycling and significantly reduce waste going into landfills. Instead, non-recycled waste would be diverted through reuse, composting, anaerobic digestion, and waste to energy. As [previously reported](#) on Conduit Street, MACo has been part of a stakeholder group that has been working on the provisions of SB 799 for the last several weeks.

As part of his [testimony](#), Mr. Knapp stated that consideration of a zero waste policy for Maryland was a worthwhile endeavor and thanked the bill’s sponsor, Senator “Mac” Middleton, for his ongoing efforts to recognize and address county concerns. Mr. Knapp noted that MACo would continue to participate in any stakeholder discussions and identified nine key areas of concern that MACo believes must be addressed before a zero waste policy can be implemented. The nine key areas included:

1. Setting realistic recycling and waste diversion goals that account for the unique challenges of each county
2. Removing a proposed compliance penalty for counties unable to meet the bill’s recycling or waste diversion goals
3. Identification of revenue sources for necessary infrastructure upgrades and acknowledge of siting challenges
4. Recognition of outstanding county debt and investments in landfills
5. Ensuring that emerging waste diversion technologies are not unintentionally stifled by the bill’s requirements
6. Creation of a better recycling reporting system to capture the efforts of municipalities and private recyclers
7. Consideration of a clear and precise definition of “municipal solid waste”

8. Clarification on how the bill's provisions will interact with existing county comprehensive solid waste management plan requirements
9. Discussion of the appropriate role of commercial and retail recycling requirements

## **Zero Waste in Maryland – Signals from 2013**

April 17, 2013

During the General Assembly session of 2013, a substantial debate arose on the subject of “zero waste” – a global term incorporating multiple policy goals for improved disposition of municipal solid waste. While no bill from 2013 was signed into law, MACo believes this complex issue merits extended attention, and will be researching and describing the issue in the months ahead, anticipating a continued or broadened policy debate in the next session.

This write-up seeks to summarize and draw from 2013 legislation targeting “zero waste” mandates and penalties to be placed on county governments. Since counties are currently the chief actors in managing solid waste streams, this policy is of central importance to MACo.

### Focus on SB 799

The main attention during the 2013 session focused on [SB 799](#), legislation sponsored by Senator Middleton and jointly assigned to the Senate Committees on Finance and Education, Health, and Environmental Affairs. That bill passed the Senate in a heavily amended form (turning the requirements into a study of related issues), but did not pass the House and ultimately failed.

MACo raised detailed concerns with SB 799 in its written testimony. In part:

Unlike most other states, Maryland requires the counties to administer recycling programs and reach certain recycling goals. Despite originally being an unfunded mandate from the State, counties have supported recycling and now Maryland ranks above average among recycling states. Over time, county recycling rates have continued to increase. These positive results highlight that MACo and the counties are committed to recycling.

The zero waste concept pushes recycling goals further, with the aim of eliminating (or more practically, significantly reducing) the amount of solid waste that goes into a landfill. Waste is recycled, reused, or disposed of by other means. Zero waste has been implemented in parts of Europe and MACo believes that consideration of a zero waste policy in Maryland is a worthwhile endeavor. However, adopting a zero waste policy would have significant policy and cost implications and must be carefully considered.

## Components of a Zero Waste Plan

The apparent Maryland framework for a zero waste policy includes three components — two stated, and one implied. In each version of the bill debates in 2013, the zero waste approach speaks to:

- an increased requirement for the share of waste to be recycled
- a limit on the amount of waste eventually placed into landfills

From these standards, an implied third element appears. For a county reaching the recycling target, but limited in how much may be landfilled — there becomes a requirement to find an alternate disposition of the remaining waste. While composting and other alternatives have been discussed, it appears that waste-to-energy facilities would be the most likely disposition for a substantially increased segment of the state's waste.

## Evolving Targets

Current law sets a two-tier goal for county recycling rates — targeting a 35% rate for larger jurisdictions (population of 150,000 or more), and 20% for smaller. SB 799, in its multiple forms, would have both heightened these goals and backed them up with a compliance penalty.

[As introduced](#), SB 799 would have changed the solid waste goals as follows:

ORIGINAL SB 799

RECYCLING – 50% by 2031

LANDFILLS – 0% by 2031

PENALTIES – ramp up to \$25/ton (CPI adjusted)

During the Senate Finance Committee's workgroup on the bill and related issues, representatives from the Maryland Department of the Environment offered a different framework, with these essentials:

MDE ALTERNATIVE PROPOSAL

RECYCLING – 80% by 2028/2030 (slower schedule for smaller counties)

LANDFILLS – 5% by 2030 (slower schedule for smaller counties)

PENALTIES – ramp up to \$25/ton (CPI adjusted)

Following extended debate on these issues, the [Senate Finance Committee voted out a bill](#) creating a group to study the issues, but including a framework with these essentials in its charge:

STUDY FRAMEWORK

RECYCLING – 60% by 2028/2035 (slower schedule for smaller counties)

LANDFILLS – 5% by 2028/2035 (slower schedule for smaller counties)

PENALTIES – study group charged with recommending

While that bill ultimately died, these elements and benchmarks set a starting point for a coming debate over Maryland's solid waste policy, and the requirements and penalties counties may face to achieve these state goals.

For more of MACo's 2013 session coverage of zero waste issues on Conduit Street, see the articles below:

[Bill Introduced](#)

[Debate Continues](#)

[MACo Concerns and Testimony](#)

[Bill Advances in Senate](#)

## **Zero Waste: Recent Related Legislative Initiatives**

April 24, 2013

With the General Assembly focusing on solid waste issues in the 2013 session and perhaps beyond, below is a review of recycling initiatives that have been debated in the General Assembly in recent years.

### 2013 "Bottle Bill" (failed)

This past legislative session, Delegate McIntosh of Baltimore City, Chair of the House Environmental Matters Committee introduced [legislation to create a container deposit system in the state](#). The legislation, which ultimately failed, would have added an additional fee to certain bottles and cans sold in the state which could then be redeemed by the customer. The legislation would have required counties to build redemption centers or license other retailers within their jurisdictions to administer the program. A [fiscal analysis of the bill](#) showed that local expenditures to develop redemption centers would be more than \$56 million in the first two years of the program. MACo [opposed the legislation](#), citing these start-up fees and concerns that a bottle-deposit system would threaten existing recycling programs. In its testimony, MACo stated that,

By withdrawing the most marketable commodities from existing recycling programs (curbside pickup, single stream, etc.), HB 1085 would orphan the massive infrastructure investment made in [existing recycling] programs, as well as oblige even larger taxpayer subsidies to cover costs for a reduced material stream.

During debate on the legislation, stakeholders offered a view that despite the potential for gains in recovery of beverage containers (states with container deposits unsurprisingly have higher recovery rates), the effect on overall recycling success is modest — an increase of perhaps 2-3% at most.

#### 2013 Restaurant Recycling (failed)

Also in the 2013 legislative session, Delegate Niemann of Prince George's County introduced [legislation that would have mandated recycling for bars and restaurants](#). A [fiscal analysis of the legislation](#) found that the legislation would increase costs for bar and restaurants, many of which are small businesses, that would be required to contract for removal of collected recyclable materials. MACo did not take a position on the legislation, which ultimately failed, with an unfavorable report out of the House Economic Matters Committee. Similar requirements for bars and restaurants, however, have been made local law in Montgomery County.

#### 2012 Higher Recycling Goals (passed)

In 2012, Delegate Stein introduced a [bill to raise the state's recycling and waste diversion goals](#). The bill, which passed into law, raised the rates for county's recycling, stating that

For a county with a population of over 150,000, the bill increases from 20% to 35% the level of the reduction of the waste stream through recycling that must be included in the county plan. . . and for a county with a population of less than 150,000, the level of reduction through recycling specified in a county plan increases from 15% to 20%, with [f]ull implementation. . . required by December 31, 2015.

A [fiscal analysis of the bill](#) showed that local expenditures may increase beginning in fiscal 2016 for four counties that were predicted to be unable to meet the increased recycling requirements by the December 31, 2015 implementation deadline, unless they could provide "adequate justification" for the shortfall. MACo initially [opposed the legislation](#), stating that the legislation would create a new unfunded mandate and potential hardship for certain counties who may have difficulty in attaining the bill's new recycling targets. However, MACo ultimately [dropped its opposition](#) when the bill was amended to allow smaller counties to combine their recycling rates with adjacent counties for a certain amount of time, addressing MACo's concerns regarding the inequities in the program.

#### 2012 Apartment Recycling (passed)

Also in 2012, Senator Pinsky of Prince George's County and Senator Brochin of Baltimore County sponsored [a bill requiring recycling in apartments and condominiums](#). Under the legislation, the property owner or manager of an apartment building or the council of unit owners of a condominium containing 10 or more units to provide recycling services by October 1, 2014. A [fiscal analysis of the bill](#) showed that local expenditures made to enforce the bill would be balanced by civil penalties and profits from recyclable materials from apartments and condominiums that would come to local

governments. While MACo had [opposed similar legislation in the past](#), MACo did not take a position on the legislation, which ultimately passed into law.

2013 session coverage:

[Bill Introduced](#)

[Debate Continues](#)

[MACo Concerns and Testimony](#)

[Bill Advances in Senate](#)

## San Francisco's Recycling Rigors

May 30, 2013



“Recycle Everything” Icons, courtesy of SF Environment

Supporters of zero waste and other aggressive recycling programs recently lauded San Francisco for achieving the highest recycling rate in the United States – diverting 80% of its waste from the landfill, according to an article in Triple Pundit, a website promoting socially responsible business culture.

According to the article, San Francisco has achieved this level of waste diversion via far-reaching and comprehensive recycling mandates on every sector of its community, included retailers, residents, businesses, and landlords. For example, according to the article, San Francisco law requires:

- mandatory recycling and composting for commercial businesses that generate four or more cubic yards of waste a week
- mandatory recycling and composting for multifamily dwellings with five or more units
- every event held in San Francisco to offer recycling and composting at the event
- maximum recycling and reuse of construction and demolition (C&D) debris material
- a complete ban on non-compostable plastic bags for all groceries and retail establishments

SF Environment, San Francisco's department of environment, provides the following notice to San Franciscans,

Property owners, business managers, food establishments and all San Francisco businesses:

- You are required to provide color-coded, labeled containers in convenient locations: blue for recycling, green for composting, and black for trash.
- You must also educate tenants, employees, contractors, and janitors on what goes in each container.
- Food vendors that provide disposable food service ware or to-go containers must have blue, green, and black containers for use by customers and visitors, placed inside near a main exit.

San Francisco's recycling laws are not only broad and expansive, they also plumb the depths — there are more materials included in San Francisco's recyclables than any other U.S. city, according to the article. The business expense of "black bins," materials going to the landfill, which is greater than the expense of hauling recycling creates an incentive for recycling, according to the city's governing authority, SF Environment.

A [fact sheet](#) from SF Environment details compliance measures to back up the mandatory recycling program:

Enforcement: Residents and businesses are required to subscribe for adequate trash, recycling and composting service. We strive mainly to educate and assist. Fines may be given only in cases of blatant on-going non-compliance.

For more information, see the [full story](#) from Triple Pundit or San Francisco's [Mandatory Recycling and Composting Ordinance](#).

## **What's New In the Governor's Climate Change Plan?**

August 1, 2013

As Conduit Street has covered the continuing attention to "zero waste" following the 2013 legislative sessions, we have made a number of forward-looking references to the topic as a potentially major issue for next year's legislative session. That view was advanced last week when Governor O'Malley personally unveiled the beginnings of his own climate change initiative, which includes among its numerous pillars a "zero waste" goal.

In this article, we look at the initial documents released so far, to evaluate what this new announcement might mean for the 2014 legislative debate, and for new mandates or requirements on county governments.

The [Executive Summary](#) of the Governor's plan includes a brief, but informative narrative on Zero Waste as part of the overall effort to address climate change. From that document:

Residential and commercial waste releases greenhouse gases during processing or when buried in a landfill. The State is currently developing a zero waste strategy to eliminate 85 percent of Maryland's solid waste (residential and commercial garbage) by 2030. Instead, Maryland's waste would be reused, recycled, composted, or prevented through source reduction. The State's strategy sets forth specific policies to achieve these goals including actions aimed at increasing recycling of packaging (including beverage containers) and food waste. Composting of food scraps will be one of the State's major focuses in increasing waste diversion through 2020.

While Marylanders do compost yard waste, a significant amount of food scraps is going into the trash. Capturing additional organics, especially food scraps, would provide a significant portion of the additional recycling needed to meet zero waste goals.

The strategy seeks to target all sources of waste including commercial, institutional, governmental, multi-family, and residential generators. Finally, the Zero Waste Strategy emphasizes product stewardship and extended producer responsibility which place the environmental and economic costs of products throughout their life-cycle on the producers of those products.

The strategy establishes goals of 60 percent recycling and 65 percent for waste diversion by 2020. These reductions help to reach the target of reducing 4.8 million metric tons of carbon dioxide-equivalent annually.

The specific references in this segment — reaching 85% reduction by the year 2030, and increasing recycling rates to 60% by the year 2020, are both consistent with an approach initially advanced by the Maryland Department of the Environment during 2013 deliberations on related legislation.

The longer, more thorough document titled "Greenhouse Gas Emissions Reduction Act Plan" spells out more background on the embedded concepts, but doesn't actually elaborate on the contents or specifics of legislation or regulations that might be needed to effect a zero waste plan.

The relevant segment of that plan begins on [page 175 of the full plan document](#). From that section, we see these details (from page 175):

MDE has developed a “Zero Waste” Action Plan – a comprehensive strategy comprised of short and longer term measures designed to nearly eliminate the need for waste disposal facilities by 2030 by reducing the generation of waste and increasing reuse and recycling.

In 2006, Maryland achieved a State-wide recycling rate of 41.26% and a State-wide waste diversion rate of 44.7%. In 2010, the recycling rate was 41.0% and the waste diversion rate was 44.6%. The Action Plan establishes the following future State-wide recycling and waste diversion rate goals

**Future State-wide Recycling and Waste Diversion Rate Goals**

Year	2015	2020	2030
Waste Diversion Goal	54%	65%	85%
Recycling Goal	50%	60%	80%

The “Action Plan” to achieve these goals appears to be multi-faceted, and it’s unclear whether the Administration will elect to support or introduce some or all of the measures mentioned in the Plan document.

Among the segments that follow in the report as “Near-term 2013-2014 Initiatives” are the following:

- [Facilitating Development of Food Scrap Composting](#)
- [Reducing and Ultimately Eliminating Use of Plastic Carry-out Bags](#)
- [Increasing Recycling of Beverage Containers.](#)
- [Implementing Residential Recycling at Multi-Family Dwellings](#)
- [Strengthening State Agency Recycling and](#)
- [Waste Diversion Goals and Strategies to Lead by Example](#)
- [Waste-To-Energy as a Solid Waste Management Tool](#)