

SOLID WASTE MANAGEMENT TASK FORCE REPORT

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SOLID WASTE MANAGEMENT TASK FORCE REPORT

EXECUTIVE SUMMARY

Governor Parris N. Glendening created the Solid Waste Management Task Force to investigate solid waste issues and make recommendations on a long-range policy for solid waste management in Maryland.

It is recognized that citizen concerns regarding proposals for siting landfills and transporting solid waste between jurisdictions have led to questions about the adequacy of solid waste planning and policy making in the State. National trends and economic forces have resulted in a recent increase in export and interstate transportation of solid waste for disposal.

The Task Force found that Maryland is a major exporter of municipal solid waste (MSW) and is projected to export 2 million tons of waste, or about 30% of the waste stream, by the year 2000. It also was determined that very little municipal solid waste is being imported. Construction and demolition waste (called "rubble"), is being imported and new rubble landfills have been proposed.

Recent court decisions have placed limitations on the ability of local governments to control solid waste activities in their jurisdictions. The Task Force found that some local governments are at times ill prepared to deal with solid waste siting, zoning, and land use issues. Local efforts to use existing authority have resulted in further court challenges.

A primary tool for long-range solid waste planning in Maryland is the ten-year solid waste management plan. Each county and the City of Baltimore is required to review and update the plan every three years for approval by the Maryland Department of the Environment (MDE). The Task Force found the planning process to lack the flexibility needed to adapt to the rapid changes now occurring in the management of solid waste.

The Task Force received comments from several public meetings, correspondence, Email, and presentations at Task Force meetings. This valued input came from citizens, citizens' organizations, government officials, and industry representatives.

The Task Force heard from many citizens concerning current policies and inadequate opportunities for public participation. Much of their concern was directed toward the issue of limited local control over the siting of solid waste facilities. While some questioned whether the environment was being adequately protected, more concern was expressed regarding what could be described as "quality of life" issues. Some of these included operational and management problems at solid waste facilities while others involved problems such as traffic, property values, and nuisance impacts on surrounding

communities. Siting in minority and low-income neighborhoods, and environmental justice issues, also were raised. The consensus of the Task Force was that both State and local jurisdictions must be more proactive in involving citizens in the solid waste planning and siting process.

There are two public agencies, the Northeast Maryland Waste Disposal Authority (NMWDA) and the Maryland Environmental Service (MES) which have made major strides in working with local governments and private industry to provide innovative solid waste disposal systems. Maryland has a recycling program that reduces the State's total solid waste stream disposal needs by 1.6 million tons. The Task Force believes that the State should build on these successes and make them an integral part of long-range policies.

Some of the Task Force recommendations are highlighted below. Specific recommendations are addressed on pages 15 through 22 of the Report.

- Encourage regionalization through solid waste management plans.
- Develop a Model Zoning and Facilities Advisory Guide by December 1, 1999 for use by local jurisdictions in considering appropriate siting criteria and in reviewing and updating zoning laws.
- Encourage public-private partnerships and consider managed competition in evaluating the advantages of privatization.
- Make ten-year solid waste management plans more useful tools for managing solid waste in a cost-effective and environmentally sound manner with flexibility to adjust to changing conditions.
- Strengthen County contingency plans to address disruptions caused by changes in market conditions.
- Develop mechanisms to collect more comprehensive information on the generation, collection, transportation, and disposal of solid waste both inter- and intra-regionally.
- Encourage regular reviews of the adequacy of capacity to assist County governments in long-term solid waste planning by providing liaison, technical support, and assistance to local governments.
- Increase funding for MDE to broaden its role in policy making, assistance to local jurisdictions, inspection, protection of the environment, and public education.
- Integrate well-delineated roles for citizens in all phases of solid waste management by taking adequate measures to educate the public and encouraging the counties to do the same.
- Review current policies for public notification and dissemination of information to improve the public participation process.

- Provide for notification of all property owners within 1000 feet of a proposed solid waste facility.
- Support State and local government recycling efforts.
- Implement the recommendations of the Maryland Recycling Advisory Group and the Market Development Task Force, including the adoption of a recycling goal of 40% by 2005.
- Increase funding for recycling, source reduction and education and develop a strategic marketing plan for recycled materials
- Ensure that controls are in place so that only appropriate wastes are disposed in solid waste facilities and that waste hauling vehicles comply with all applicable transportation regulations.

Conclusion

The Task Force found the complexity of the strategies and management of solid waste in Maryland provide for a dynamic process. While the roles of citizens, governments, and legislators are somewhat separate and distinct, they are often synergistic in their impact on any effective long-range policy. Cooperation among all of the units and branches of government will ensure consistent development, planning and implementation of the Task Force's recommendations. The members of the Task Force strongly encourage that the Final Report's recommendations be carefully considered and will actively support their implementation.

The members appreciate the opportunity for citizens, industry, and government to work together on the common theme to enhance Maryland's solid waste management policy.

SOLID WASTE MANAGEMENT TASK FORCE MEMBERS

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GLOSSARY OF TERMS

For the purposes of this report, these acronyms have the assigned meaning:

C & D – Construction and Demolition Debris, also called "rubble"

EPA – United States Environmental Protection Agency

MACo – Maryland Association of Counties

MDE – Maryland Department of the Environment

MDSWA – Maryland Delaware Solid Waste Association

MES – Maryland Environmental Service, created in 1970

MRA – Maryland Recycling Act of 1988

MRAG - Maryland Recycling Advisory Group

MSW – Municipal Solid Waste

NMWDA – Northeast Maryland Waste Disposal Authority, created in 1980

RCRA – Resource Conservation and Recovery Act of 1976

SWMP – Ten Year Solid Waste Management Plan

I. INTRODUCTION

In response to citizens' concerns about proposals for siting landfills and transporting solid waste between jurisdictions, Governor Parris N. Glendening signed Executive Order 01.01.1998.03 on January 23, 1998, establishing the Solid Waste Management Task Force. The purpose was to review and evaluate the adequacy of existing solid waste management strategies and policies and to make recommendations for the development, planning and implementation of a long-range policy on solid waste management in Maryland.

The Governor's Solid Waste Management Task Force was appointed on March 18, 1998. The specific charges of the Task Force were:

1. Examine issues relating to solid waste management in Maryland;
2. Assess local solid waste facility siting, planning and approvals and make recommendations to better protect the health and well-being of our citizens;
3. Assess State solid waste permitting procedures, policies and authority to better protect the environment;
4. Clarify the responsibilities of local and State governments in the area of solid waste management;
5. Conduct public meetings throughout the State to solicit citizen input in developing recommendations for a long-range policy on solid waste management in Maryland; and
6. Make recommendations on solid waste management to the Governor.

Through August of 1998, the monthly Task Force meetings focused on presentations by citizens, representatives of industry and County governments, Maryland Association of Counties (MACo), Maryland Department of the Environment (MDE), Maryland Environmental Service (MES), Northeast Maryland Waste Disposal Authority (NMWDA), the Maryland Delaware Solid Waste Association, and the Maryland Community Preservation Coalition, Inc.. Speakers provided the Task Force with their perspectives on the following topics: case law and issues related to flow control (the ability to direct waste to a particular facility) and the interstate transportation of solid waste; the State permitting process; the impact of the new rubblefill liner and leachate collection system regulations on new and existing rubblefills; local zoning and land use regulations; local participation in siting landfills; regionalism; privatization; recycling; and County solid waste planning and management. Beginning in August, draft proposals submitted by the Task Force members for public comment were discussed and developed for presentation at regional public meetings. The remaining meetings of the Task Force were devoted to deliberation on the recommendations and the Final Report to the Governor. The Task Force found that, due to the complexity of the issues and substantive planning and work needed to address its charges, it also was necessary to create subcommittees.

The Task Force, as charged in the Executive Order, held four regional public meetings throughout the State to receive public comment on draft proposals for inclusion in the Final Report. The Task Force provided advanced notice of these meetings to County and State elected officials. Additional notifications were made through press releases, advertisement in the *MDEnvironment*, mailings to County and State solid waste and recycling managers, and outreach activities by members of the Task Force. MDE provided a home page on its web site specific to activities related to the Task Force that

allowed readers to comment on the draft proposals through Email. The public meetings were held as follows:

October 5, 1998 7:00 p.m. Western Maryland – South Hagerstown High School

October 7, 1998 7:00 p.m. Central Maryland – Catonsville Community College

October 13, 1998 7:00 p.m. Eastern Shore – Chesapeake College

October 14, 1998 7:00 p.m. Southern Maryland – Calvert Pines Senior Center

Over 130 representatives of the public, local government, industry and elected officials attended the public meetings to share their concerns regarding the siting of landfills, the interstate movement of solid waste, public participation in the landfill siting and permitting processes, local government controls, environmental monitoring, and recycling. Comments were electronically recorded and the members of the Task Force took notes at the public meetings. The submission of written comments by the public was encouraged but not required. All public comments, including those shown in Appendix B, were considered by the Task Force members in the presentation of this Report.

II. IDENTIFICATION OF ISSUES

The proper management and disposal of solid waste is essential to protect public health and the environment, as well as to preserve the quality of life and economic well being of the State. Since the 1950's, municipal solid waste (MSW) has been managed predominantly through landfills owned and operated by local governments. Recent national trends and economic forces have resulted in the export and interstate transport of solid waste for disposal in locations outside the political boundaries of the jurisdictions where the waste is generated. In fact, some local governments are no longer utilizing their MSW landfills, and instead are transporting waste out of Maryland for disposal.

The generation and disposal of rubble waste is less predictable than MSW, is dependent upon economic conditions (i.e. building and road construction), and is mostly managed through the private sector. In recent years, some privately owned rubble landfills in Maryland have been acquired by national waste management companies, which are accepting waste from in-state and out-of-state sources.

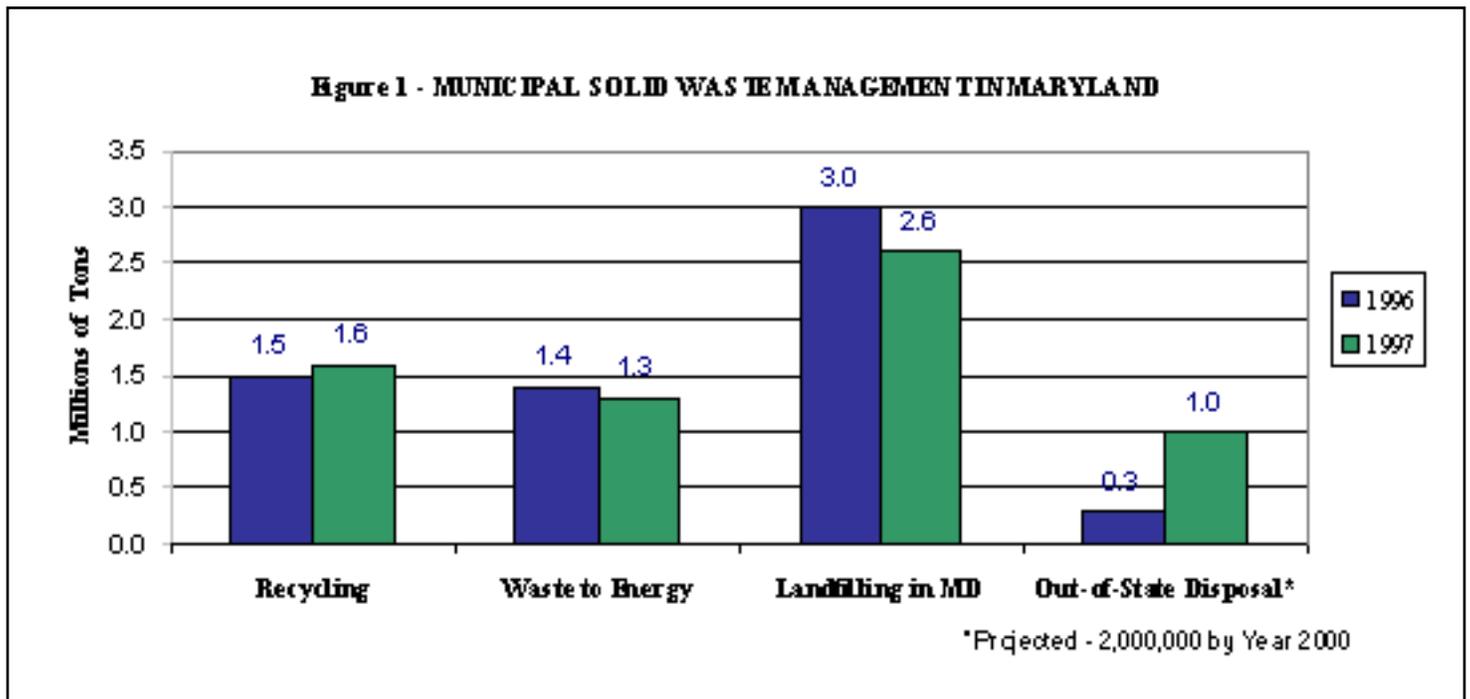
Maryland citizens have expressed concerns that proposals for siting landfills and transporting wastes in their neighborhoods may threaten their health, property, and the environment and have requested additional opportunities to participate in county solid waste management planning and facility siting procedures. Some counties have sought to restrict the siting of private landfills and the import of

wastes from outside Maryland. Recent local court decisions, however, have found that County zoning and land use authorities over solid waste facilities is limited.

It is estimated that approximately 6.5 million tons of MSW is generated in Maryland each year. This amount is projected to increase in the future as population increases. It is estimated that the MSW waste stream generated in Maryland in 1997 was managed through the following mechanisms:

- Recycling – 1.6 million tons. *This equates to a 32% Statewide recycling rate for materials which meet the requirements of the Maryland Recycling Act.*
- Waste-To-Energy/Incineration – 1.3 million tons.
- Landfilling – 2.6 million tons.
- Transportation Out-of-State for Disposal – 1.0 million tons.

Commercial generation and disposal of rubble waste in Maryland is not fully reported to the State at this time since there are limited regulatory requirements for the private sector to provide this information. An undetermined amount of rubble waste also is imported into the State for disposal.



Significant changes in solid waste management are taking place in the State. Perhaps the most significant is that Maryland has become a net exporter of MSW. As shown in Figure 1 above, one million tons of MSW is known to have been exported in 1997 and this is estimated to increase to two million tons by the year 2000. Large, privately owned landfills have opened in Virginia and Pennsylvania. Some Maryland jurisdictions have entered into agreements to dispose of their waste at low costs at these "mega-landfills." An increasing amount of MSW is being transported out of local jurisdictions to out-of-state disposal facilities. While some jurisdictions have benefited through arrangements with private industry for reduced disposal costs, others can no longer depend on the disposal of wastes generated within their jurisdictions to support the cost of maintaining and operating local government owned facilities and their solid waste and recycling programs.

Maryland continues to be an importer of rubble waste, but on a much smaller scale than the exports of MSW. Some private rubble landfills in Maryland accept rubble from out-of-state haulers for disposal. Regulations recently adopted by MDE that require the installation of liner and leachate collection systems for rubble landfills may further reduce the amount of rubble being imported into Maryland due to the increased tipping fees associated with these environmental protections.

County, municipal and private recycling programs are now responsible for diverting about 32 percent of the solid waste generated in Maryland through recycling. These programs have begun to level off due to insufficient markets and returns on recyclable materials and inadequate public funding.

Competition from private companies has already reduced the cost of disposal to many local governments. Recycling has reduced adverse environmental impacts from other methods of solid waste management. Because the management of solid waste has become dynamic and complex with many options and many participants, an improved planning process is necessary to allow the State and counties to meet their responsibilities in protecting the health and welfare of the citizens of our State.

III. BACKGROUND INFORMATION

Regulatory History

Maryland law has required permits for solid waste disposal facilities since 1914. In the 1950's, the State's role in the regulation of solid waste disposal began with consultation with County governments to investigate complaints concerning odors, smoke from open burning of waste, and disease vectors such as rodents and insects. By the mid-1970's, public environmental consciousness had increased and State and federal governments had begun devoting more efforts to the regulation of solid waste facilities and the subsequent closure of approximately 350 open dumps in Maryland. The passage of the federal Resource Conservation and Recovery Act of 1976 (RCRA) resulted in the development of the first federal rules governing solid waste disposal.

Early State health and sanitation based regulations were supplemented with regulations governing solid waste disposal in 1980. These regulations described in detail the environmental and engineering requirements necessary to obtain refuse disposal permits and established operational requirements for sanitary landfills. In 1988, new regulations enhanced the permit process and formalized the requirement for liners and leachate collection systems at MSW landfills.

Maryland is unique in that it has two public agencies, MES and the NMWDA, providing technical assistance and regional solutions to waste problems. These agencies are involved in partnerships with local and municipal governments in the operation of solid waste facilities, contracting with private industry, marketing of recyclables, and researching new technologies in solid waste management.

The Maryland Recycling Act (MRA) also was passed in 1988 to encourage Marylanders to recycle. The law required the City of Baltimore and the larger counties to recycle 20 percent of their solid waste and smaller counties (those with populations less than 150,000) to recycle 15 percent of their waste by 1994. Maryland counties individually and the State collectively have met or exceeded the required recycling rates since that time. The law also identified materials that can be considered in meeting the recycling goals and required each of Maryland's 24 political jurisdictions to develop recycling plans.

New federal requirements for MSW landfills, known as RCRA Subtitle D requirements, became effective nationwide in October 1993. RCRA Subtitle D expanded the siting considerations and the requirements for the design, environmental monitoring, closure, long-term monitoring and maintenance of landfills. Maryland has partial EPA approval of its solid waste program and once full approval is obtained, the State will have the authority to be more flexible in the interpretation and application of new financial assurance requirements.

In September 1997, the State began implementing regulations that require the installation of liners and leachate collection systems at all rubble landfills by July 1, 2001. Operating rubble landfills that do not currently have liners and leachate collection systems in place must provide third party checkers at the landfills to inspect incoming wastes.

Solid Waste Planning

The development of County Water, Sewerage and Solid Waste Management Plans was first required by the State during the 1970's. Regulations defining the requirements for the Solid Waste Management Plans (SWMP's) were codified in 1970 and were revised and replaced with new regulations in 1985. These regulations follow an integrated approach to solid waste management and planning for waste reduction, waste minimization, incineration, and landfilling. The passage of the MRA in 1988 defined the requirements for County Recycling Plans and required their inclusion into County SWMP's.

In 1991, as a result of statutory changes and several solid waste permitting issues involving SWMP's, MDE directed the counties to revise and update their County SWMP's. In response to the Department's request for greater opportunities for public participation in the county solid waste planning process, many counties created solid waste advisory committees. These committees are instrumental in the review and update of the Plans, which is required at a minimum of every three years.

In 1992, MDE sponsored the Maryland Solid Waste Planning Accord where representatives of state and local government, industry and citizens' groups met to discuss Maryland's existing and future strategies for the management of solid waste.

In response to events and issues related to future landfill capacity, disposal costs, rubble wastes, and interstate transportation of both MSW and rubble, MDE was authorized by the legislature in 1994 to undertake the Solid Waste Initiative. Phase I of the Initiative reviewed and augmented existing information related to waste management in the State and made recommendations for a Statewide long-term strategy for management of non-recycled solid waste and evaluated the feasibility of statewide, intercounty regional partnerships or other types of waste management partnerships with

sources of funding identified to implement the recommendations. Phase II involved conducting workshops for county solid waste and financial personnel throughout the State on full cost accounting, methods for standardization of data collection and reporting, financial assurance requirements at MSW landfills, and regionalization. In Phase III, which was completed in 1996, MDE reviewed and analyzed information and data developed during the Solid Waste Initiative to develop recommendations, with identified funding sources, for a statewide solid waste management strategy.

Legislative/Legal History

In 1994, the Supreme Court, in a landmark case on the regulation of out-of-state waste known as *C & A Carbone, Inc. v. Town of Clarkstown* (i.e. "Carbone decision"), ruled that Clarkstown could not use its regulatory power to favor local enterprise by prohibiting participation of out-of-state waste since this discriminated against interstate commerce. Citizens and County governments have struggled over the past several years to control the siting of rubble landfills and the transportation of out-of-state wastes into their neighborhoods. As a result, local governments and private industry have been forced to settle zoning, land use, and SWMP issues through the court system. Several notable cases are referenced below:

- *Holmes, et al. v. Maryland Reclamation Associates, Inc.* (1992) where it was held that Harford County's deletion of a proposed landfill site from its SWMP for environmental reasons impermissibly invaded the State's permit review prerogative;
- *Waste Management of Cambridge, Inc. v. State of Maryland, Department of the Environment* (1993) where it was ruled that Dorchester County's attempt to use its SWMP as a means of vetoing a waste facility exceeded the County's authority and violated the Commerce Clause;
- *Dashiell Realty v. Wicomico County* (1998) in which the Court of Special Appeals adopted the argument of Wicomico County and MDE that State law expressly allows the county a role in the permit process insofar as the county determines whether a proposed landfill meets zoning and land use requirements and that the County has the authority to enact regulations limiting the location of rubblefills;
- *National Waste Managers, Inc. v. Anne Arundel County* in which Judge Clayton Greene, Jr. ruled that the county arbitrarily excluded the landfill, and that the final authority to exclude a proposed facility from the SWMP rests with the State through MDE (the County has appealed the decision to the Court of Special Appeals); and
- *Days Cove Reclamation Co., et al (Unicorn Rubble Landfill) v. State of Maryland, Department of the Environment* (1998) in which the Court of Special Appeals found that Queen Anne's County's role is limited to traditional zoning matters and that the County could not preclude private ownership of solid waste facilities (issue still pending).

In October 1997, Governor Glendening met with citizens who live near current or proposed rubble landfills to hear their concerns regarding siting of rubble landfills, local responsibility for zoning and land use requirements, disposal of out-of-state wastes, and protection of public health and the

environment. After the meeting, the Governor committed to addressing these issues by establishing a Solid Waste Management Task Force, soliciting input from citizens throughout the State, analyzing and evaluating recent court cases, assessing state landfill permitting procedures, and recommending and assisting in making legislative and regulatory changes necessary to clarify State and local authorities.

As a result of issues expressed during the October 1997 meeting, MDE and the Maryland Chamber of Commerce, met a month later with nine representatives of private waste management companies which own and operate waste facilities in Maryland. At this meeting, the State's planning and permitting role, regional concerns, and the issues facing counties regarding the import and export of solid waste were summarized. The role of the Task Force also was discussed. Simultaneously, MDE met with the General Assembly's Environmental Matters Committee leadership and several counties to evaluate possible legislative initiatives concerning solid waste siting issues.

MDE conducted research in an effort to provide additional information to citizens and elected officials and clarify the role of State and local governments in the siting and permitting of solid waste facilities. MDE prepared a document summarizing local zoning and land use ordinances and other local mechanisms that counties use for the siting of landfills and other solid waste facilities. A summary of recent court decisions on these issues and examples of siting criteria found in some county SWMP's was included. Comments on the document were solicited and received from several Maryland counties and citizens' groups.

Delegates Ronald Guns and Mary Roe Walkup sponsored legislation (Chapter 555, Acts of 1998), the passage of which requires MDE to prepare an annual report to identify the amount of solid waste disposed in the State, including the amount of solid waste generated outside the State, disposed at Maryland facilities, and the amount generated in the State that is transported outside the State for disposal. The report is due September 1, 2000.

Legislation (Chapter 532, Acts of 1998), sponsored by Delegates Ronald Guns, Mary Roe Walkup, Kenneth Schisler, and Bennett Bozman, also was passed during the 1998

Session. This law prohibits MDE from processing an application for a refuse disposal permit beyond the preliminary Phase I technical review stage until:

- the findings of this review have been reported to the County's chief elected official and planning commission of the County where the proposed refuse disposal system is to be located; and
- the County has completed its review of the proposed refuse disposal system and has provided MDE with a written statement that the proposed facility meets all applicable County zoning and land use requirements and is in conformity with the County Solid Waste Management Plan. This law clarifies local governments' authority in the permit review process.

IV. SCOPE

The Governor's Executive Order charged the Task Force with providing recommendations for the development, planning and implementation of a long-range policy on solid waste management in Maryland. As part of that charge, the Order delineated the following issues to be evaluated:

- long term advantages of regionalization of waste management activities;
- impact of local government's role in the siting of refuse disposal systems and the State's permitting authorities for environmental protection;
- advantages and disadvantages of State and local government responsibility for solid waste management;
- financial obligations of local government and State government for solid waste management; and
- advantages and disadvantages of importing and exporting of solid waste.

These issues and factors were always in the forefront of the deliberations of the Task Force. To the fullest extent practicable, the Task Force has organized and presented its recommendations within these issues. However, it was the finding of the Task Force that issues related to each of the five areas of concern often overlapped and at times led to consideration of issues not specifically mentioned in the Governor's Executive Order. Some of these issues such as waste reduction and recycling received significant comment during the public meetings. Consequently, many of the concepts and issues have been integrated into multiple recommendations. Each of the five issues is interconnected and is integral to the treatment and consideration of other areas of concern. These are included in Section H titled "Additional Recommendations," which appears immediately following the recommendations on the five issues.

V. EXAMINING ISSUES

Definition of Waste Stream: For the purposes of the Solid Waste Management Task Force, the term "waste stream" includes MSW and rubble from residential and commercial sources that are managed in the jurisdictions of the State of Maryland. The term includes the generation, collection, processing and transfer, management, and disposal of these wastes.

Due to current favorable economic conditions and the desire to preserve precious landfill capacity, municipalities and counties in Maryland are pursuing the export of significant amounts of MSW to Pennsylvania and Virginia landfills. However, the long-term stability of these receivers of Maryland solid waste is not clear or certain. Some private rubble landfills in the State may receive significant amounts of their waste from out-of-state. Overall, Maryland is a net exporter of municipal solid waste. The State also is a major exporter of other waste types, including special medical wastes, hazardous

wastes, and low-level radioactive wastes, which were not considered by the Task Force.

MDE is required to prepare an annual report identifying the amount of solid waste disposed of in the State, including the amount of solid waste generated outside of the State, disposed of at Maryland facilities and the amount generated in the State that is transported outside the State for disposal. Current reporting requirements do not provide complete information.

The Task Force, in considering the issue of interstate transportation of waste, has determined that the issues and concerns of the citizens relative to interstate waste transportation result from the overarching concern of local control over facility siting, land use, and zoning. While it is not the desire of the Task Force to encourage importation of waste, Maryland has a strong interest in preserving the ability to manage its waste in the safest, most environmentally sound, cost-effective manner which includes the export of wastes. In fact, Maryland is notably dependent on the export of hazardous and low-level radioactive wastes.

The long-range waste management policy of the State should clearly recognize the essential role citizens play. It is important that citizens have integral and well-delineated roles in all phases of solid waste management, including: 1) the formation and implementation of the State's solid waste policies; 2) the development, siting, permitting, operation, and closure of waste recovery and disposal facilities; and 3) developing public interest and understanding of the operation and effect of such facilities and coordinating with enforcement authorities to assure proper compliance by such facilities.

VI. RECOMMENDATIONS

A. REGIONALIZATION

- All counties and Baltimore City should promote, and encourage efforts to incorporate, regional cooperation with other jurisdictions into their SWMP's. MDE should, as part of their review process, ensure that these efforts are consistently and clearly documented in the Plans.
- MDE should work collaboratively with the counties and Baltimore City, MES, NMWDA, MACo, and other county associations or councils to encourage, promote, and seek incentives and opportunities for regionalization. MDE also will evaluate regional opportunities with surrounding states.
- The State should encourage regionalization of long-term solid waste planning, including waste management operations and waste reduction/recycling, by providing such incentives as tax credits, low interest loans, grants and financial enhancements and supports for the use of local bond authority and amending the Solid Waste Planning Law to encourage and reward the planning and use of regional facilities.

B. SITING

Proper management and disposal of solid waste is vital to the health, safety, and welfare of Maryland citizens. Local governments have the authority to determine land use and zoning decisions and are far more familiar with the social, economic, and cultural issues surrounding their jurisdiction and better qualified to assess the impact of traffic, noise, and infrastructure on the surrounding residents. MDE reviews applications, establishes and monitors the permit process, enforces laws and regulations governing the design and operation of solid waste facilities, and inspects facilities for permit conformance. This historical division of responsibilities should be maintained and further clarified so that all stakeholders better understand the process.

An overwhelming majority of the public comments received by the Task Force at its public meetings concerned local control over facility siting, land use, and zoning. Due to the significant level of citizen concern expressed regarding local control, the Task Force believes the development and dissemination of the Model Zoning and Facility Siting Advisory Guide is an essential recommendation.

- A Model Zoning and Facility Siting Advisory Guide should be developed by representatives of the State, county and municipal governments, citizens, industry and appropriate experts. The representation shall reflect the geographical regions of the State. The Guide shall consist of recommendations to be used as a tool to assist local jurisdictions in siting solid waste facilities and in reviewing and amending local zoning laws. The development of this advisory guide shall include solicitation and incorporation of public input. To the greatest extent practicable, the guide shall reflect consensus recommendations from the groups represented, and the following topics shall be considered: public participation and notification, organization and structure of zoning categories, highway access, buffers, elevation, proximity to water supplies and critical areas, proximity of operations to adjoining properties, environmental justice impact, capacity allowances, environmental monitoring, and the use of alternative dispute resolution as a means to prevent and minimize conflicts which may arise from siting of facilities. Nothing in the Advisory Guide shall be deemed to imply any preemption of local or county regulatory authority or State or federal authorities, where applicable. The advisory guide should be completed by December 1, 1999.

C. PRIVATIZATION

- Local jurisdictions should continue to consider public-private partnerships in the operation and planning of their solid waste facilities and responsibilities.
- Local jurisdictions should consider managed competition (most efficient provider of services, whether public or private) when considering the advantages and disadvantages of privatizing solid waste management.

D. SOLID WASTE PLAN

With respect to solid waste planning, the core of the State's planning efforts have been reflected in the requirement that each County have a SWMP that delineates how the County intends to manage its

solid waste for at least ten years. The current regulatory requirements are prescriptive and should be reviewed and modified as appropriate to assure maximum flexibility by the counties. Flexibility in the preparation of each County's solid waste plan will assure that the documents are a useful tool for managing solid waste in a cost-effective and environmentally sound manner. The focus of the Plan should be the strategy and contingencies chosen by a jurisdiction to manage its solid waste. The document should also be understandable and present information that allows the citizens of the County to understand the policies of the County and how it intends to address the management of solid waste and the planning and siting of future facilities.

The SWMP is required by law to be submitted by each County and the City of Baltimore with MDE and updated every three years.

- The regulatory requirements of the ten- year SWMP should provide maximum flexibility to assure that the product is a useful tool for managing solid waste in a cost-effective and environmentally sound manner and that the focus of the Plan is the strategy and contingencies chosen by a jurisdiction to manage its solid waste.
- Maryland should re-evaluate and, where appropriate, modify the regulatory requirements pertaining to the development and updating of the County Ten-Year SWMP to provide maximum flexibility to allow for changes in the local solid waste management program in response to adjustments in market conditions.
- Counties should, through their SWMP's, review, develop, and strengthen contingency plans for the proper and safe disposal of solid waste in the event of a disruption or cessation in the use of existing waste disposal facilities or to changing market conditions.
- The SWMP should be required to utilize common data reporting categories in accordance with direction from MDE to assure consistency and comparability of data.

E. GOVERNMENTAL RESPONSIBILITY

- The State should support with technical assistance the development of a proactive approach by the municipalities and counties in providing access to solid waste disposal within the State in the event that the out-of-state landfills are, for a variety of possible reasons, no longer available for use by Maryland jurisdictions.
- MDE should regularly review and assess the adequacy of capacity, including that provided by private facilities, both within and outside of the State, that receive waste from Maryland, to assist County governments in long-term solid waste planning.
- Municipalities and counties should explore the advantages of arrangements with private industry, regardless of geographical boundaries, to direct disposal of solid waste in order to best serve the public welfare, both environmentally and economically.

- MDE, the counties, and the private solid waste management sector should investigate and develop mechanisms and opportunities to collect information regarding the generation, collection, transportation, and disposal of all solid waste in Maryland, especially with regard to management by the private sector, so that counties, and the State, can appropriately plan for the long-term management of solid waste.

F. FINANCIAL OBLIGATIONS

Throughout the Task Force's deliberation it has become increasingly evident that MDE is the State agency most directly affected by the recommendations contained in this Report and that without additional funding, MDE will be unable to accomplish or implement the recommendations of the Task Force. Several of the recommendations, if implemented, would create new and extensive responsibilities for MDE. Specifically, there are recommendations for MDE to assess the adequacy of capacity, both public and private; expand data collection and analysis; offer technical support and assistance to local governments; increase educational programs and other assistance relative to promoting and expanding recycling; assist local governments who wish to implement full-cost accounting; and assist in the development of a Model Zoning and Facility Siting Advisory Guide. These examples are only representative of an overall need for MDE to provide additional support, assistance, and advocacy in guiding the State's long-term policy for solid waste management.

- The Task Force therefore strongly recommends that the State provide additional revenue to MDE in order to fund the implementation of these recommendations.
- MDE should assist the counties and municipalities with the education of citizens in clarifying the decisional process for the siting or extension of solid waste management facilities.
- The Department of Business and Economic Development should reactivate the Recycling Economic Development Office to oversee the loan, business recruitment/expansion, and technical assistance programs for regionalization strategies and market development.
- The General Assembly should provide State funding for the existing grant and loan fund program under the Solid Waste Facilities Loan Act to provide assistance to local governments.
- The General Assembly should also provide State funding for loans to be used to stimulate siting of industries and manufacturers who use recovered materials in the manufacturing of products and to establish and enhance markets for recovered materials.
- The State should make available a networking service and guidelines to evaluate environmentally sound and cost-effective alternatives for intrastate waste disposal, including assistance in evaluating and implementing managed competition and public/private partnerships.
- MDE should encourage the use of full cost accounting and provide education and technical assistance to those jurisdictions which request it.

- MDE should distribute the annual solid waste reporting information to the counties and Baltimore City and publish the information for the general public.
- MDE should provide liaison, technical support and assistance to counties and Baltimore City by: 1) helping the jurisdictions assess their ability to meet federal financial assurance requirements (closure, post-closure and remediation); and 2) providing "best practice" guidelines and procedures for jurisdictions to consider when deciding whether to regionalize or privatize aspects of solid waste management.

G. ADVANTAGES AND DISADVANTAGES OF IMPORTING AND EXPORTING SOLID WASTE

Some municipalities and counties are *exporting* significant amounts of MSW to landfills in Pennsylvania and Virginia. By the year 2000, it is estimated that Maryland's export of MSW will reach 2 million tons or approximately 27 percent of the State's solid waste stream. Private rubble landfills are the primary source of waste *imported* into Maryland from out-of-state, though recent data suggests at a declining rate. Overall, Maryland is a net exporter of solid waste as well as other waste types, including medical wastes, hazardous wastes, and low-level radioactive wastes.

There are advantages and disadvantages to this interstate movement of solid waste. On the one hand, Maryland benefits from the lower disposal costs, preserved local landfill capacity, and increased environmental protections associated with exporting MSW to large facilities in nearby states. The long-term stability of these receivers of Maryland's waste, however, is not clear or certain and may necessitate arranging for alternative disposal options.

Conversely, importing waste, at present mainly in the form of construction and demolition (C&D) debris, increases truck traffic for local communities, accentuates problems of odor and noise, accelerates the use of existing rubble landfill capacity, intensifies pressure to expand existing sites or build new sites, and often detracts from a locality's public image. Applications are currently in process for five new rubble landfills, several of which are the subject of judicial proceedings. If these proposed landfills were to become operational, the rate of out-of-state waste imports could increase dramatically, a prospect of major concern to many citizens.

Maryland has a strong interest in preserving its ability to manage solid waste in the safest, most environmentally sound and cost-effective manner that maximizes the advantages of waste exports while diminishing the disadvantages of waste imports.

Quantifying the State's solid waste disposal patterns with greater precision will be greatly facilitated by MDE's preparation of the annual report identifying the amount of solid waste disposed of in the State, including the amount of solid waste generated outside the State but disposed at Maryland facilities, and the amount generated in the State that is transported to other states for disposal.

- The State should encourage and support the development of a proactive approach by the municipalities and counties to provide access to solid waste disposal within the State in the event that out-of-state landfills are, for a variety of possible reasons, no longer available for use by the jurisdictions.

- Municipalities and counties, acting jointly, should explore the advantages of arrangements with MES, NMWDA, and private industry, regardless of geographic boundaries, to direct disposal of solid waste in ways that best serve the public welfare, both economically and environmentally (e. g. appropriate host community agreements, collection and disposal contracts, etc.).
- Counties should consider modifying their zoning codes to provide clearer siting requirements for solid waste facilities when considering ways to diminish the undesirable effects of solid waste facilities. Counties also should consider additional options such as need determination, public control, capacity limits and host community agreements.

H. ADDITIONAL RECOMMENDATIONS

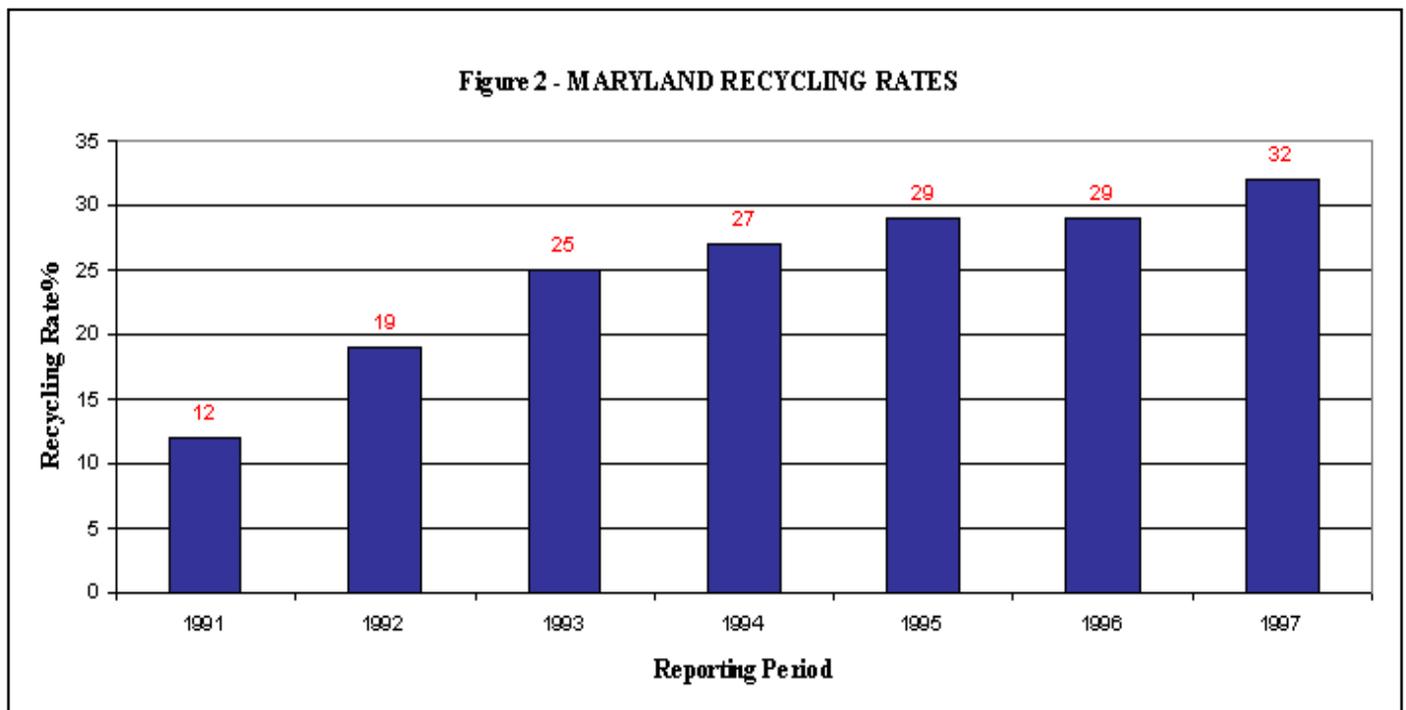
Public Participation

- It should be the policy of the State of Maryland that citizens have integral and well delineated roles in all phases of solid waste management, including: 1) the formation and implementation of the state's solid waste policies; 2) the development, siting and operation of waste recovery and disposal facilities; 3) the use of alternative dispute resolutions, and 4) generation of grassroots support and compliance.
- The State should support legislation to require mailings to all property owners within 1,000 feet of the property lines of the proposed solid waste use as part of the Phase I permitting process and as part of the public hearing.
- MDE should review, and modify if appropriate, current methods and timeframes for dissemination of information and notification of public hearings and meetings held pertaining to solid waste facilities. Specific attention should be focused on the identification and elimination of inconsistencies and conflicting statutory provisions for public notification and response requirements. It is believed that this review is necessary to improve the public participation process.
- MDE should take appropriate measures to educate the public, and encourage the counties to do the same, concerning: 1) opportunities for citizens to be informed, express concern, and provide input during the various phases and levels of solid waste management, 2) areas of cooperation and compliance needed to implement statewide solid waste objectives; 3) the use of alternative dispute resolution as a means to prevent and avoid litigation concerning solid waste management and objectives, and 4) generation of community-based support and compliance by facilities.
- State agencies should review their boards and commissions having responsibility for solid waste management planning, policy development, operations, and oversight, and make recommendations for changes, if appropriate, to assure adequate and appropriate citizen voice and representation.

Note: A minority of the members of the Task Force supported the following statement: The General Assembly should review the standing law to insure that citizens shall not be denied legal status in the State's solid waste permitting decisions, excluding zoning matters.

Recycling and Waste Reduction

While recycling and source reduction were not specifically referenced in the Executive Order, the Task Force believes these issues to be critical to an integrated long term solid waste plan. The 32 percent statewide recycling rate for materials which meet the requirements of the MRA has been a substantial factor in reducing the need for siting new facilities. Attaining this level of recycling has required a major commitment on the part of local governments in Maryland. Even with this effort, a leveling off in the rate of increase in the amount recycled is being realized. (See Figure 2.) To maintain this level may require even more effort in the future. There is still the potential to increase the recycling rate to 40 or 50 percent of the waste stream but this will require a further commitment on the part of the State, local governments, and citizens.



Due to programmatic reporting inconsistencies among the Mid-Atlantic region states, the Task Force encountered problems comparing Maryland's recycling rates with those of surrounding states. It may be appropriate for MDE to develop a method for directly comparing recycling rates in the region.

Three major study groups have dealt substantially or wholly with waste reduction: the Maryland Solid Waste Planning Accord (1992), the Market Development Task Force (1996), and the Maryland Recycling Advisory Group (1997). Each of these groups has reached the following common conclusions: 1) local jurisdictions have reached the practical limits of their capacity to increase recycling rates under the MRA; 2) substantially higher levels of waste diversion can be achieved by coordinated efforts aimed at market development, waste reduction incentives, and public education; and 3) the current amount of state-level funding for recycling and source reduction programs is

inadequate.

- The Task Force supports implementing the recommendations of the Maryland Recycling Advisory Group and the Market Development Task Force. These recommendations reflect the consensus of diverse groups of interests following comprehensive and deliberative review processes. The recommendations of these groups, with particular reference to Maryland's recycling goals, should be periodically reviewed and re-evaluated based on current data and market conditions. The recommendations are included in Appendix D and Appendix E of this Report.
- The State should increase State level funding for recycling, source reduction, and education and launch a comprehensive waste minimization initiative.
- The General Assembly should establish a non-mandatory recycling goal, consistent with the recommendations of the Maryland Recycling Advisory Group's 1997 Report, of 40 percent by the year 2005.
- The General Assembly should provide source reduction credits as part of the MRA to encourage local programs.
- The General Assembly should provide tax credits for recycling equipment purchased for use in Maryland.
- The Department of Business and Economic Development should develop a strategic market development plan for priority materials.
- The General Assembly should encourage pilot projects for deconstruction (taking apart buildings for reuse of construction materials) of buildings to be demolished, develop additional data on C&D waste, and develop markets for the waste stream.

Regulations and Compliance

- The State should implement controls to ensure compliance with all applicable transportation regulations regarding vehicle placarding, safety inspections, weight limitations and driver training.
- Disposal facilities should have an inspection process for solid waste transportation vehicles to assure that wastes are appropriate for disposal at the particular facility and do not contain prohibited materials.
- The State should support any effort to ensure that the waste disposal destination meets or exceeds all current standards for public health and safety and environmental protection.

VII. CONCLUSION

The members appreciate the afforded opportunity for citizens, industry, and government to work together on the common theme to enhance Maryland's solid waste management policy. Cooperation among all of the units and branches of government will ensure consistent development, planning and implementation of the Task Force's recommendations. The members of the Task Force strongly encourage that the Final Report's recommendations be carefully considered and look forward to their application being employed.

APPENDIX A

EXECUTIVE ORDER 01.01.1998.03

Solid Waste Management Task Force

WHEREAS, The proper management and disposal of solid waste is essential to the citizens of Maryland to protect public health and the environment as well as preserving the quality of life and maintaining the economic well being of the State;

WHEREAS, Recent national trends and economic forces have resulted in the export and interstate transportation of solid waste for disposal in locations outside of the political boundaries of the jurisdictions where the waste was generated;

WHEREAS, Many Maryland local governments are now closing county owned landfills and transporting waste out of the State for disposal as well as accepting waste from outside of Maryland's borders for disposal in privately owned landfills in Maryland;

WHEREAS, It is the responsibility of local governments to properly manage solid waste and to site waste management facilities;

WHEREAS, The citizens of Maryland have expressed interest in and should have the opportunity to participate in county solid waste management planning and facility siting procedures; and

WHEREAS, By the combined effort of representatives of State and local government, industry and citizens of the State meeting to review Maryland's waste management procedures and policies, recommendations can be developed for the long term management of solid waste in the State.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING ORDER, EFFECTIVE IMMEDIATELY:

A. There is a Solid Waste Management Task Force.

B. The Task Force shall consist of up to 17 members, including:

- (1) One member of the Senate of Maryland appointed by the President of the Senate;
- (2) One member of the Maryland House of Delegates appointed by the Speaker of the House;
- (3) The Secretary of the Environment or the Secretary's designee;
- (4) One representative of the Maryland Environmental Service.
- (5) One representative of the Northeast Maryland Waste Disposal Authority; and
- (6) Up to 12 members appointed by the Governor to represent local government, business and concerned citizens from various geographical areas of the State. At least four such members must live or work on the Eastern Shore.

C. The Governor shall designate a Chairperson from among the members of the Task Force.

D. Scope. The Task Force is hereby charged with the following duties:

- (1) Examine issues relating to solid waste management in Maryland;
- (2) Assess local solid waste facility siting, planning and approvals and make recommendations to better protect the health and well-being of our citizens;
- (3) Assess State solid waste permitting procedures, policies and authority to better protect the environment;
- (4) Clarify the responsibilities of local and State governments in the area of solid waste management;
- (5) Conduct public meetings throughout the State to solicit citizen input in developing recommendations for a long-range policy on solid waste management in Maryland; and
- (6) Make recommendations on solid waste management to the Governor.

E. The Task Force is hereby charged with providing recommendations for the development, planning and implementation of a long-range policy on solid waste management in Maryland by evaluating:

- (1) Long term advantages of regionalization of waste management activities;
- (2) Impact of local government's role in the siting of refuse disposal systems and the State's permitting authorities for environmental protection;
- (3) Advantages and disadvantages of State and local government responsibility for solid waste management and privatization;
- (4) Financial obligations of local government and State government for solid waste management; and
- (5) Advantages and disadvantages of importing and exporting of solid waste.

F. Procedures.

- (1) The Task Force shall meet at least monthly at times and places to be determined by the members.
- (2) The Task Force may appoint committees from among its own members to address issues relating to the specific duties of the Task Force.
- (3) A majority of members of the Task Force shall constitute a quorum for the transaction of any business.

G. Staff support to the Task Force shall be provided by the Maryland Department of the Environment.

H. The members of the Task Force may not receive compensation for their services, but may receive reimbursement for reasonable expenses related to these duties in accordance with the State Standard Travel Regulations and as provided in the State budget.

I. Report to the Governor. The Task Force shall submit a final report to the Governor to include recommendations for a long-range policy for solid waste management in Maryland on or before December 1, 1998.

J. This Executive Order shall terminate and be of no further effect after December 1, 1998.

GIVEN Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 23rd day of January, 1998.

Parris N. Glendening
Governor

ATTEST:

John T. Willis
Secretary of State

APPENDIX B

SUMMARY OF PUBLIC COMMENTS

The following is a summary of written comments from approximately thirty correspondents in response to the Task Force document "Draft Proposals for Public Discussion". This document was circulated widely during October 1998 through regional public meetings and other means. The comments for the most part were thoughtful, practical, and of significant value to the Task Force in preparing its final recommendations. They were submitted by individual citizens, county governments, State and County elected officials, a law firm, a Congressperson, and from the following organizations:

Maryland Community Preservation Coalition, Inc.; Frederick County Solid Waste Advisory Committee; Friends of the Five Rivers Environmental Group; Sierra Club, Maryland Chapter; Citizens Concerned for a Cleaner [Prince George's] County; Maryland Recyclers Coalition; Greater Odenton Improvement Association, Inc.; Concerned Citizens of Eastern Harford County; and Maryland Conservation Council.

Major Themes of Citizens' Comments

Several major themes emerged from comments and correspondence submitted during and following the regional public meetings:

- 1. Waste Reduction:** Increase recycling throughout the State through higher mandatory goals and increase state-level funding.
- 2. Public Participation:** Increase the number of days of prior notification for public meetings and hearings and broaden the criteria for those entitled to notice.
- 3. Siting of Waste Facilities:** Include more detailed requirements for siting waste facilities in this Task Force Report rather than defer all specifics to the proposed Committee to draft the Advisory Guide. Withhold permits for proposed landfills in areas that pose threats to aquifers, drinking water sources, wetlands, and Chesapeake Bay critical areas. Affirm local control over siting decisions in ways that avoid MDE and judicial intrusion.
- 4. Management of Waste Stream:** Express strong support for legislation that allows state and local control over large private waste facilities that import waste into Maryland and impact local roads. Increase county inspectors at landfill entrances to check the nature of the waste being received and its

point of origin.

5. Enforcement: Improve information exchange between counties and the State in permitting and monitoring solid waste facilities and better coordinate efforts between local governments and MDE to protect the health and safety of Marylanders.

REGIONALIZATION

1. "If the intent or goal is to foster, enable, facilitate or even reward regionalization," words like "encourage" are not enough. The benefits of regionalization sell the concept, not encouragement from the State.

2. The State could make a major contribution to regional cooperation by identifying/making available State properties for solid waste disposal opportunities, which would ease pressures local jurisdictions have in siting.

SITING

1. MDE should work with other governmental entities, such as the USGS to determine the extent of recharge areas for public water supplies and private ones serving several customers (trailer parks, housing developments) and prohibit solid waste facilities from the recharge area.

2. MDE should deny, (before a site is opened) or withdraw, (if a facility begins operation) a permit if any reasonable concern for safety of a public water supply exists.

3. Include specific affirmative provisions that a landfill will not be sited if it (i) adversely impacts potable water supplies or aquifers, (ii) would be located near streams, tidal and non-tidal wetlands, and (iii) would be closer than 1000 feet from any residence, church, school or business with a 200 foot buffer elsewhere.

4. The practice of locating solid waste facilities near African-American, minority and poorer communities in Maryland should definitely be prohibited by law.

5. Advisory Guide should contain "best concepts and procedures" to help local governments. Questioned whether this includes "best practices" or "best management practices."

6. A committee of experts, including a geologist, should help to formulate the Advisory Guide.

7. Landfills should be absolutely excluded from critical areas, non-tidal wetlands, aquifers, potable water supplies, low lying wetlands.

8. There should be closer coordination between the State and Counties with respect to siting and permitting. "When the Counties put a site into the solid waste management plan there is no engineering plans available at this time and the County assumes that County land use and zoning will

be followed. The Applicant eventually sends the engineering plans to MDE and they accept what they consider a working plan without knowing the Counties land use and zoning."

9. Prohibit solid waste disposal in agricultural areas where people rely on aquifers for well water.

10. "The relationship between the Counties and the State should be one of partnership, with the State having enough resources, funding and personnel to assist Counties in exercising control. Currently it is questionable whether MDE has the resources and capability to handle its responsibility. More importantly, working relationships between the State and Counties in regulatory and inspection matters cannot be adversarial."

11. "Unfortunately, in a bureaucracy involving regulation and inspection (at the State and County level), issue resolution is not easy. Consideration should be given to a mechanism wherein unresolved issues between Counties and State can be elevated and solved within a reasonable time period."

12. Model zoning proposal totally inadequate, must be specific. Five specific points offered summarized as follows: a) accessed only from a primary road or highway, b) 1500 foot buffer from nearest home or institutional building (with exceptions), c) heavy industrial zoning only, d) 2500 feet of potable water supply or aquifer and e) operator posts bonds for 100 years of post closure monitoring.

13. Maryland counties, representing their citizenry, must have the absolute right to deny a permit for a solid waste dump.

14. Local government control should include siting, construction, planning, financing, dump fees, oversight of the landfill operation, oversight of what is being dumped, disclosure of the origin of the dumped material before it is dumped, and the right of local government to test the material before it is dumped. Citizens should have the right to test at their own expense the material before it is dumped and the right to vote upon such siting.

15. Eastern Shore Counties need to work together to create similar zoning for solid waste to protect each other.

16. There should be a strong statement banning the siting of any landfill (industrial too) on Karst Terrain, such as we have in Frederick County. Aluminum waste and cement kiln dust are being landfilled over Karst bedrock and under highly alkaline conditions. This should not be permitted near an aquifer which people use for drinking water.

17. Siting criteria for industrial landfills should be as stringent as for rubble landfills.

18. Although traffic, noise, odor and safety are county rather than State concerns, "there should be sharing of information about such concerns" between the County and the State. "Asking one governmental body to ignore what is known by the other is blindfolding our officials. Cooperation rather than segregation should be the rule."

19. Due to the practical and valuable experience of the public, the public at large should have opportunities for input to the Guide, not just individual members of the public serving on the Committee.
20. The Advisory Guide should be a "best practices manual, the latest technology, from which to choose those elements best suited to each site."
21. The Task Force proposals are "most inadequate" on siting and waste stream and this is "particularly bad" because these were the "main citizen concerns that got the Task Force ball rolling in the first place."
22. Citizens don't need and want an advisory guide; they want a model zoning ordinance. It must incorporate three elements: i) best practice methods for organizing and structuring zoning regulations, ii) strict adherence to accepted standards of legal, technical and scientific completeness and accuracy and 3) stating specific recommendations on public notification, public participation, zoning categories, highway access, buffers, proximity of operations to adjacent properties, elevation, proximity to water supplies and critical areas and environmental monitoring.
23. State Courts have preempted local control of whether a particular landfill is needed to meet the requirements of the host County. The Maryland system of shared state and local control of solid waste disposal is not working.
24. Siting must consider location of nearby wells, proximity to hazardous metals and other waste, proximity to the Bay, and floodplains. Greater caution and consideration of such factors should be exercised by officials in deciding about siting.
25. Truck traffic to landfill sites seems to frequently ignore restrictions regarding operating hours. The approved roads for truck traffic do not adequately handle it. Greater caution and consideration of such factors should be exercised by officials in deciding about siting.
26. Suggestions for organizations to be represented in writing Advisory Guidelines: Maryland Association of Counties, Big 7 Counties, Maryland Municipal League, MDE, Baltimore Metropolitan Council, and Citizens' groups.
27. Although the State cannot mandate it, a review by each County of its solid waste zoning ordinances is needed. But this task would be less time consuming and costly for each County if the advisory guideline was available.

PRIVATIZATION

1. Managed competition should refer not only to efficient provider, but also to economic feasibility which is as important as efficiency.
2. Substitute "consider" instead of "look for" public-private partnerships.

SOLID WASTE PLAN

1. Opposed to alternatives analysis. Should be local in nature and not subject to State approval. Alternatives analysis should be referenced in Plan but not included. To include will serve as source of contention and confusion
2. Modify the regulations to specifically allow a site to be removed from the Plan. "At the present time, once a site is included in a plan, the law does not allow it to be removed."
3. No new mandates, implicitly or explicitly, on local government or private business regarding solid waste management.
4. Use reporting categories of HB 1334 except in "situations where this would not be a feasible or reliable practice."

FINANCIAL OBLIGATIONS

1. Impose a waste generation tax or recycling tax on publishers, based on quantity of newsprint generated with credits for use of recyclable materials, community recycling and waste reduction as more consumers of print media become non-paper on-line subscribers.
2. A State imposed solid waste surcharge for education of the public should be considered in the context of local or regional funding mechanisms already in place, such as the \$4.00 recycling surcharge collected by Midshore Facility. "Other localities would do well to replicate the funding of MidShore Regional Recycling Program, instead of the State trying to do it for all."
3. Funds must be provided at both State and County levels.
4. Increase funding for MDE to develop recycling, source reduction and recovery strategies.
5. Technical assistance, an entire category in the Report is not specifically addressed in the Financial/Funding Section.
6. Purpose of Solid Waste Facilities Loan Act should be to encourage the reuse of recycled materials. This would promote the concept of recycling and encourage each County to initiate a recycling program or expand the existing one.
7. MDE should provide technical assistance to Counties to advise them on regulatory/permitting procedures.
8. MDE should investigate and encourage the development of liners that would have a longer life than ten years.
9. Public education about household hazardous waste is needed.

ADVANTAGES AND DISADVANTAGES OF IMPORTING AND EXPORTING SOLID WASTE

1. "Counties on the border of a state, such as Pennsylvania should have the option to export, provided it is economically feasible and facilities are approved. For the same reason, importing should be allowed provided facilities meet standards and the waste stream is regulated and controlled. Legislation that regulates and controls is essential to a waste management system that works."
2. Support federal legislation to grant greater authority to states and local governments concerning receiving or shipping solid waste.
3. Narrative Introduction creates illusion that all waste is created equal.
4. "I would hate to see the whole Eastern Shore become an easy dumping ground for the whole East Coast. "Increase the fees to make it economically unattractive to bring out-of-state waste here. "Do whatever it takes to ensure the environmental safety of the whole Eastern Shore."
5. Task Force rejected a key issue, giving local governments more say over their own destiny. The Supreme Court failed to consider the effect on our landscape, water, roads and property values when it ruled that trucking garbage, chemical waste and junk is interstate commerce.
6. Mandatory placarding of trucks carrying waste with tight covers.
7. Travel invoices/documents from source to destination, all computerized for "watchdogging".
8. "Contrary to the impression conveyed in the Task Force, Maryland does have a waste import problem; it is the private rubble landfills which import 35-50% of their waste from out-of-state. The fact Maryland may now be a net exporting state does nothing to mitigate the import problem. The real threat is 1 to 4 new private rubble landfills, which could once again make Maryland a net importer if even one of these became operational. The Task Force should not attempt to minimize or discount the problem of imported rubble on the basis of huge exports of MSW". Therefore the statement about "opposing legislative efforts to restrict or prohibit interstate movement of solid waste" is an "affront", because it cuts off a "main avenue" to control the problem. "We need a public private partnership, rather than a judicial standoff." Support legislation that will permit states and local governments to have more voice in the disposal of out-of-state waste through such instruments, as host community agreements, permit caps and need determination.
9. "Shocked" and "troubled" when Task Force deleted proposal to strengthen local control. Local governments must have more, not less control over how solid waste is managed in their own jurisdictions. The Task Force must address whether state policy should encourage or discourage the importation of out-of-state solid waste.
10. Three ways local governments can regulate out-of-state waste: i) market participant, ii) Zoning laws which do not discriminate by point of origin of waste and iii) Congressional legislation which authorizes

more local control, thereby modifying legal effect of Commerce Clause. Task Force "needs to" examine these possibilities and "spell out clearly how they enable and operate."

11. Develop methods whereby trash is used for our benefit, such as burned for energy.

PUBLIC PARTICIPATION

1. The General Assembly should review and revise the standing law to insure that citizens and citizen organizations shall not be denied legal status to challenge the State's permitting decisions.

2. Notification should be made by certified letter to residents and property owners along roadways to be used to and from sites for special exception as well as solid waste permit hearings.

3. Citizens should be included in meetings of County and State officials where they would be discussing the siting of any solid waste facilities.

4. In the Phase III permit hearings, the State's Hearing Examiner should be required to answer comments and questions from the citizens in a question and answer format.

5. Compliance must be interwoven with education. "Compliance will be driven by regulations and mandatory goals that must be marketed correctly to all concerned."

6. Public notifications should be made available to all citizens of Maryland and not just those primarily affected by a proposed facility.

7. Public participation in the siting and permitting of industrial landfills needs to be expanded.

8. Maps should show location of facilities with enlarged insert of entrance access to highways because diverse community groups have a poor geographic grasp of how their efforts can effect a region wide enterprise. Should provide a web site to access information about proposed facilities and pending permits.

9. Posters, video, displays, speakers, for schools, churches, community groups, fairs and festivals; multi-agency newsletter inserted in utility bills; toll-free hotline like Delaware has should be used.

10. The time limit for response should be set to something reasonable like forty-five days especially if there is a Freedom of Information request involved.

11. Consider more flexible and practical alternatives to improving public notice regarding 1000-foot rule. "Not all situations call for the same scope or degree of public participation in light of time constraints, likely impact and cost. We are not persuaded that adopting a new "one size fits all" standard requiring notice to all homeowners within 1000 feet is merited."

12. "There is a strong view among minority citizens that a better job needs to be done in the area of

public notification of hearings", such as 60 days advance notice by letter, signage and at least two newspapers.

13. Each County should have a Solid Waste Advisory Committee similar to that of Frederick County.
14. Not only homeowners, but also property owners should receive notice if they are within 1000 feet.

RECYCLING AND WASTE REDUCTION

1. Municipalities will not consider recycling because the Recycling Act does not require their participation and they can't save money by recycling. Amend law to require municipalities to participate.
2. Non-mandatory goals are a weak program without teeth and are nothing more than a piece of paper.
3. A credit of up to five percent should be initiated for implementation of source reduction. Programs in Minnesota and Oregon may offer models. Any credit awarded should not be a substitute for an aggressive recycling program. This would make grass recycling and home composting more desirable to pursue.
4. Not only State but local governments should encourage and fund programs to promote "Buy Recycled".
5. Fund applied research for the reuse/recycling of difficult materials such as glassine window envelopes, food waste, auto shredder fluff, batteries and tires.
6. Maryland should coordinate with neighboring states for long term market development of "hard to reuse" materials.
7. Amend the Maryland Recycling Act to ensure that all MRA waste intended for disposal is included in the denominator for calculating recycling rates, and not just waste actually disposed in State.
8. Under the MRA, define each County's diversion rate to be the sum of its recycling rate, plus up to five percent reduction component for Counties which qualify for a source reduction credit.
9. Take a much stronger position on mandatory goals for recycling. Incineration should be method of last resort. Waste stream audit will clarify that more than 70% of waste can be recycled, reused, recovered or composted. Possibilities include 70% recycling, 70% waste reduction by industry and restriction of recyclables from waste stream.
10. Fails to adequately address waste minimization. "Solid waste is not under control in Maryland. A very blunt educational campaign needs to be conducted. Citizens must be told that their children will be drowning in trash, if we don't do something proactive now. "If the waste reduction plan is "non-specific, vague and watered down, we will be forced to take issue with you."

11. Reduction in overall packaging not just recyclable materials should be encouraged.
12. Composting lawn and yard clippings should be used in every community.
13. Support increase in State funding for recycling, source reduction and education. "However, we don't want a surcharge on solid waste to be levied on the County. Our Enterprise fund operation cannot absorb any cost increases."
14. If people in their own vehicles were allowed to put things, such as tables, dishwashers, rugs, recliners in the dump for free, then they would be "more inclined" to take their debris to the dump.
15. Some items that go to the dump, such as bikes, lawnmowers, furniture and appliances, still have value and could be given to charities such as AmVets, Goodwill, Purple Heart. These charities could send someone to the dump to watch for things they could fix-up, use or sell.
16. MDE should promptly establish a Source Reduction Work Group to build a source reduction credit system for implementation in calendar year 2000. The Maryland Recycling Advisory Group recommended this for implementation in 1999. Minnesota and Oregon have already implemented source reduction credit systems of 5% and 6% respectively.
17. Baltimore County has endorsed the following recommendations of MRAG: i) focus on improved efficiencies in residential and commercial recycling systems and ii) increased funding for Statewide source reduction and recycling activities.
18. MDE should be encouraged to develop alternative methods to landfills for getting rid of waste.
19. If the recycling goal is to be significantly increased, allow construction and demolition material, sewage sludge, and asphalt to be counted as recyclable waste.
20. Offer incentives to manufacturers to turn recyclable items into usable consumer products.

REGULATIONS AND COMPLIANCE

1. Unannounced inspections are appropriate and lab tests by MDE staff or its lab should be conducted independent of operator run tests.
2. MDE should be more rigorous in its enforcement of permits and consent orders with respect to height limitations and buffers (including where African-Americans reside) and operation of a landfill beyond the term of the respective permit or order.
3. Provide for County management and oversight and independent testing to give assurance of safety to residents. This includes strict enforcement of rules prohibiting certain materials from solid waste landfills.

APPENDIX C

CRITERIA SUGGESTED BY CITIZEN REPRESENTATIVES ON THE SOLID WASTE MANAGEMENT TASK FORCE FOR THE MODEL ZONING AND FACILITY SITING ADVISORY GUIDE

Several of the citizen representatives of the Solid Waste Management Task Force respectfully request and recommend that the group which prepares the Model Zoning and Facility Siting Advisory Guide address and include the following zoning criteria for siting solid waste facilities in preparing the Advisory Guide:

1. Access from a primary road appropriate for handling truck traffic for the facility (never off residential streets);
2. A satisfactory buffer, preferably 1,000 feet, between the area where waste is processed and the nearest home, school, church or other institutional building, preferably covered by a stand of mature trees;
3. A maximum landfill elevation that does not exceed the sight line of trees or other features screening the facility from the view of surrounding properties;
4. Banned from residential zones;
5. Shall not be located on a site that will threaten a major aquifer;
6. Adequate funds for post-closure monitoring for 30 years;
7. Public notification of meetings and hearings in regard to solid waste facilities not less than 30 days in advance; and
8. When public meetings and hearings are held to consider proposals regarding a solid waste facility, notification of all property owners within 1,000 feet of the property lines of the proposed facility.

APPENDIX D

MARYLAND RECYCLING ADVISORY GROUP RECOMMENDATIONS

June 1997

1. Establish a voluntary statewide diversion goal of 40% by the year 2005.

- a. Define each county's diversion rate to be the sum of its recycling rate, as calculated under the Maryland Recycling Act, plus up to 5% for counties which qualify for a source reduction credit.
- b. Accomplish this through the cooperative efforts of waste generators, state agencies, local governments, the waste industry, the recycling industry, environmental groups, boards of education and other interested parties.
- c. Maintain mandatory recycling rates at the 15% and 20% levels established in the Maryland Recycling Act of 1988.

2. Increase the development of markets for recyclables in order to sustain and expand future recycling activities.

- a. Support the statewide strategy outlined by the Maryland Market Development Task Force in its 1996 report. This strategy identifies five priority materials to target for market development: mixed paper, wood, produce residuals, wallboard and roofing shingles. Four specific goals were also established:
 - i. Create a statewide "Buy Recycled" campaign to increase purchases of recycled products.
 - ii. Establish a program to foster business expansion for companies that consume these priority materials in the manufacture of new products.
 - iii. Coordinate recycling market development activities of appropriate State agencies, local government, private industry and organizations.
 - iv. Support research and development projects which have the potential to create markets for the priority materials.
- b. Support regional market development coordination among neighboring states.
- c. Expand State government purchasing of recycled products.

3. Foster the distribution of information which educates and promotes "Reduce, Reuse, Recycle" concepts and practices statewide.

- a. Establish a statewide campaign which clearly conveys the benefits of recycling and source reduction.
- b. Establish a statewide campaign to promote "grasscycling" and/or backyard composting. The State should work with local governments to coordinate efforts.
- c. Make more recycling information accessible through the Internet.

4. Encourage and assist local governments and businesses to increase the efficiency and effectiveness of their solid waste management systems.

- a. Encourage local governments and businesses to target paper and organics when expanding recycling and source reduction programs.
- b. Encourage local governments to use full cost accounting procedures to determine their costs for managing solid waste and recycling programs on an annual basis.
- c. Assist local governments and businesses to identify and implement improvements to their existing programs which will reduce costs and increase customer service.
- d. Provide technical assistance and training to local jurisdictions and businesses on ways to improve their diversion programs.
- e. Encourage local governments and businesses to use information technology to streamline and improve data gathering of solid waste information.
- f. Encourage recycling of ash from municipal waste to energy facilities.
- g. Encourage local governments to evaluate the implementation of residential variable rate collection systems.

5. Establish source reduction as a significant component of Maryland's solid waste program.

- a. Provide information, technical assistance and training to local jurisdictions and businesses on ways to improve their source reduction programs.
- b. Develop a mechanism for identifying and rewarding effective source reduction programs. The Advisory Group recommends establishing a system of providing credit to counties of up to 5% toward their voluntary 40% diversion goals.

- c. Establish a Source Reduction Work Group (SRWG). This Work Group would be expected to:
 - i. Make recommendations on how best to create, and carry out, the source reduction credit.
 - ii. Report its recommendations (including draft form(s)), to the Secretary of the Maryland Department of the Environment (MDE) by July 1998 so that the source reduction credit can be implemented in calendar year 1999.
- d. Proclaim an annual Source Reduction Awareness Week.

6. Work toward improved measurement of solid waste and recyclables generated in Maryland.

- a. Ensure that the method for calculating the diversion rate includes all materials originating in the State, not just waste destined for disposal in Maryland.
- b. Neither add to, nor subtract materials from, the existing formula for determining the Maryland Recycling Act (MRA) recycling rate.
- c. Develop and implement methods for obtaining information about recycling and disposal of construction materials and demolition materials.
- d. Publish and publicize, on an annual basis, the best available information that would give an indication of how Maryland is progressing toward an overall per capita reduction of solid waste in the State.

7. Increase funding for Statewide source reduction and recycling activities.

- a. Establish an annual budget for source reduction and recycling programs for the following proposed activities:
 - i. Market Development – Buy Recycled Campaign, business expansion, and research and development grant/loan program.
 - ii. Education – Statewide diversion promotion, Statewide grasscycling promotion, and Internet development and operation.
 - iii. Improved Efficiency – Workshops, manuals/tool kits, and paper/organics pilot/demonstration project.
 - iv. Source Reduction - technical assistant

v. Data Management

vi. Administration – staff and operating costs

b. Seek multiple sources of funding to create this budget. Sources of such funding may include:

i. Solid waste acceptance facility annual fees and/or permit fees to support a State Solid Waste Management Fund with a portion dedicated to recycling and source reduction programs.

ii. A surcharge on all waste generated in the state and destined for disposal.

iii. Dedicated funds from the Used Tire Clean Up and Recycling Fund.

iv. Grants from federal government, private industry, foundations and associations to reduce revenues needed from State funds.

v. Establishment of a special lottery game with revenues used to support waste reduction programs.

APPENDIX E

MARKET DEVELOPMENT TASK FORCE

Summary of Recommendations

The Task Force's recommendations for Overall Goals for the State to pursue include:

1) Promote the purchase of recycled products by government, businesses, and consumers.

2) Serve as a clearinghouse for information on recycling processors and manufacturers.

3) Provide clear information regarding permitting procedures and requirements to those interested in starting or expanding recycling operations.

4) Facilitate cooperation and coordination among State agencies to promote development of recycling markets.

The priority materials are:

1. Mixed Paper

2. Wood

- Natural
- Construction
- Demolition

3. Produce Residuals (such as from grocery stores and restaurants)

4. Wallboard

5. Roofing Shingles

Goals for the State to pursue in order to develop markets for the Priority Materials are:

1) Create a statewide campaign to increase purchase of recycled products.

- a) Create partnerships to develop and implement a Buy Recycled education and promotional campaign.
- b) Promote recycled products that are made in Maryland.
- c) Promote and expand the purchase of recycled products by State and local government.

2) Establish a program for fostering business expansion in these areas.

- a) Support existing recycling businesses.
- b) Encourage new recycling businesses – where businesses do not exist or where existing businesses cannot provide enough capacity for Priority Materials.

3) Coordinate recycling market development activities of appropriate State agencies, local government, private industry, and organizations.

a) Assist recycling businesses with the permitting process. Facilitate meetings with state and local permitting agencies to assist businesses to determine what information they need to provide.

b) Develop pilot programs to achieve recycling projects that are replicable technically and administratively.

c) Have Priority Materials Teams develop interagency agreements to implement pilot projects and other market development initiatives.

d) Educate recyclable material marketers (local government and private businesses) to consider the value of long-term market relationships in order to lessen the impact of market fluctuations. The use of markets located in Maryland would be encouraged.

e) Continue involvement with the Mid-Atlantic Consortium of Recycling and Economic Development Officials (MACREDO) to monitor and improve regional cooperation regarding market development issues relevant to the Mid-Atlantic states.

4) Support research about supply/demand for these materials in Maryland to guide future planning and decision-making.

a) Coordinate with DBED to work with Universities and Colleges to gather data regarding the job creation benefits and potential of recycling businesses. Compile information about the number of jobs in the Maryland recycling industry.

b) Work with Universities and colleges to research supply/demand issues for Priority Materials.

c) Work with Universities and Colleges regarding new recycling technology and technology transfer.

d) Analyze the access to and location of recycling industry businesses.