

M E M O R A N D U M

July 15, 2016

TO: County Council

FROM: Josh Hamlin, Legislative Attorney 

SUBJECT: **Public Hearing:** Bill 28-16, Solid Waste (Trash) – Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion

Bill 28-16, Solid Waste (Trash) – Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion, sponsored by Lead Sponsor Council Vice President Berliner and Co-Sponsors Councilmembers Katz, Hucker, Elrich, Riemer and Navarro was introduced on June 28, 2016. A Transportation, Infrastructure, Energy and Environment Committee worksession will be scheduled at a later date.

Bill 28-16 would require the Director of the Department of Environmental Protection to develop a Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion in Montgomery County by July 1, 2017. In developing the Strategic Plan, the Director would be required to consult with many organizations inside and outside of County government. The Strategic Plan would provide recommendations on legislative changes necessary to reduce food waste and promote composting as well as identify potential new county policies and initiatives to reduce food waste and promote and support composting in the County. The Director would be required to submit an annual report on the progress toward achieving the goals of the Strategic Plan by July 1 of each year.

A memorandum from the Lead Sponsor begins on ©7.

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Bill No. 28-16
Concerning: Solid Waste (Trash) –
Strategic Plan to Advance
Composting, Compost Use and Food
Waste Diversion
Revised: 6/20/2016 Draft No. 7
Introduced: June 28, 2016
Expires: December 28, 2017
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Vice President Berliner
Co-Sponsors: Councilmembers Katz and Hucker

AN ACT to:

- (1) require the Director of the Department of Environmental Protection to develop a Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion in Montgomery County
- (2) generally amend County laws related to Solid Waste (Trash).

By adding

Montgomery County Code
Chapter 48, Solid Waste (Trash)
Section 48-17B

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 48-17B is added as follows:**

2 **48-17B. Strategic Plan to Advance Composting, Compost Use and Food Waste**
 3 **Diversion in Montgomery County.**

4 (a) Legislative findings. The County Council finds that:

- 5 (1) the County's general goal of solid waste management establishes
 6 waste reduction as the most preferred management technique,
 7 followed by reuse, composting and recycling, then incineration
 8 with energy recovery, and, least preferred, landfilling;
- 9 (2) food waste represents a significant percentage of the County's
 10 solid waste stream;
- 11 (3) educating food producers can reduce the generation of excess
 12 food that would enter the solid waste stream;
- 13 (4) giving food that would otherwise be wasted to organizations that
 14 serve people in need is a means to reuse excess food;
- 15 (5) composting, a means promoting the biological decomposition of
 16 organic material such as food waste into a stable, humus-like
 17 product, is a first step in the recycling of food waste;
- 18 (6) the use of compost has been demonstrated to benefit soil health
 19 by:
 - 20 (A) suppressing plant diseases and pests;
 - 21 (B) reducing or eliminating the need for chemical fertilizers;
 - 22 (C) Promoting higher yields of agricultural crops; and
 - 23 (D) Improving soil structure;
- 24 (7) compost use is a valuable tool in stormwater management that
 25 can lower runoff volume due to improved water holding capacity,
 26 healthy vegetation/biomass, and increased infiltration; and

(8) reducing excess food generation, reusing food that would otherwise be wasted, and increasing the amount of food and other compostable waste that is composted will help the County meet its goal of recycling 70% of the solid waste stream generated in the County.

(b) Strategic Plan required. The Director must develop a Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion in Montgomery County by July 1, 2017. The Strategic Plan must identify:

(1) legislative changes, including but not limited to amendments to this Chapter, necessary to reduce food waste and promote composting;

(2) County policies and initiatives to reduce food waste and promote and support composting in the county;

(3) models and best practices used by other jurisdictions

(4) metrics for assessing and increasing food waste diversion, composting, and compost use;

(5) goals for achieving certain levels of food waste diversion and dates for achieving those goals;

(6) challenges to achieving the goals and means of overcoming these challenges;

(7) potential sites for food waste composting operations;

(8) environmental and public health benefits of composting and food waste diversion; and

(9) cost estimates and potential economic and environmental benefits of implementing the Strategic Plan

(c) Considerations. The Strategic Plan must consider the following areas in its legislative, policy, metrics, and cost recommendations:

- (1) home composting;
 - (2) community-scale composting;
 - (3) on-site institutional and commercial composting;
 - (4) on-farm composting;
 - (5) small-scale commercial composting facilities;
 - (6) support for existing and new composting businesses in the form of grants, loans, and land;
 - (7) models and best practices, including methods and materials, used by other jurisdictions;
 - (8) use of incentives to encourage private food waste diversion and composting; and
 - (9) diversion and composting of non-food waste compostables;
 - (10) local use of compost to support soil health and the County stormwater management program;
 - (11) education and outreach to reduce food waste and promote composting; and
 - (12) the environmental impact of residential trash hauling by private haulers in upcounty solid waste service districts.
- (d) Consultation with stakeholders. In developing the Strategic Plan, the Director must consult with:
- (1) the County Division of Solid Waste Services;
 - (2) the County Department of Permitting Services, including the Land Development and Zoning and Site Plan Enforcement Divisions;
 - (3) the County Department of Health and Human Services;
 - (4) the County Department of General Services;
 - (5) Montgomery County Public Schools;

- (6) the County Planning Department;
- (7) the County Parks Department;
- (8) the County Office of Agriculture;
- (9) the County Revenue Authority;
- (10) the Montgomery County Food Council;
- (11) the Montgomery Countryside Alliance;
- (12) the County Solid Waste Advisory Committee;
- (13) the University of Maryland Extension;
- (14) Community Food Rescue; and
- (15) organizations and individuals in the County involved in compost production and use and food waste diversion.

(e) Annual report. By July 1 each year, the Director must submit a report to the County Executive and County Council. The annual report must:

- (1) update the food waste diversion metrics; and
- (2) document the progress towards achieving the goals of the Strategic Plan.

Approved:

Nancy Floreen, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 28-16

Solid Waste (Trash) – Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion

DESCRIPTION: Bill 28-16 would require the Director of the Department of Environmental Protection to develop a Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion in Montgomery County by July 1, 2017, and report annually on meeting the goals of the Plan.

PROBLEM: The County has a goal of recycling 70% of the solid waste stream generated in the County by the end of 2020. Food waste represents a significant percentage of the County's solid waste stream.

GOALS AND OBJECTIVES: Develop a County strategy for reducing excess food generation, reusing food that would otherwise be wasted, and increasing the amount of food and other compostable waste that is composted.

COORDINATION: Department of Environmental Protection

FISCAL IMPACT: Office of Management and Budget

ECONOMIC IMPACT: Office of Finance

EVALUATION: To be researched.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Josh Hamlin, Legislative Attorney, 240-777-7892

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: N/A



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

ROGER BERLINER

DISTRICT 1

TRANSPORTATION, INFRASTRUCTURE

ENERGY & ENVIRONMENT COMMITTEE

CHAIRMAN COUNCILMEMBER

MEMORANDUM

June 21, 2016

TO: Council President Nancy Floreen
Council Colleagues

FROM: Council Vice President Roger Berliner

RE: Legislation to Create A Strategic Plan to Advance Composting and Food Waste Diversion

Colleagues, I am writing to ask you to join me in co-sponsoring legislation that I will be introducing next week. Several years ago, this Council established an ambitious, yet important goal of recycling 70% of our County's solid waste stream generated by 2020. Food waste currently represents a significant percentage of the County's solid waste stream. If we are to meet our ambitious goal, we will need to make significant progress on reducing the amount of food thrown away.

One way that we can reduce the amount of food waste we throw away is through composting. As you well know, there are many agricultural, environmental, and health benefits to composting. And there are an array of public and private sector entities in this county already doing a lot to promote composting and stand ready to help expand the practice throughout the county.

However, there are certain challenges that stand in the way of allowing our county to take our collective composting efforts to the next level. We can and must do more home and community-scale composting; we must identify and secure a location for a large-scale composting operation; and we must continue to incentivize our agricultural and business communities to produce and use compost as a best practice.

In order to pull together all of the various stakeholders to achieve this, I am proposing the attached legislation, which would require the Director of our Department of Environmental Protection to develop a Strategic Plan to Advance Composting, Compost Use, and Food Waste Diversion in Montgomery County by July 1, 2017. The Strategic Plan would provide recommendations on legislative changes necessary to reduce food waste and promote composting as well as identify potential new county policies and initiatives to reduce food waste and promote and support composting in the County. It will give us models and best practices used by other jurisdictions and establish metrics and clear goals for increasing food waste diversion and composting.

In crafting this legislation, I have worked in close consultation with some of the key stakeholders that are leaders in the composting realm, including the Montgomery County Food Council, the Montgomery Countryside Alliance, and our Department of Environmental Protection. Their feedback has been incorporated into the attached legislation. As with my bill to create a strategic plan to address food insecurity, I recognize (7)

STELLA B. WERNER OFFICE BUILDING ▪ 100 MARYLAND AVENUE, 6TH FLOOR, ROCKVILLE, MARYLAND 20850

240-777-7828 OR 240-777-7900, TTY 240-777-7914, FAX 240-777-7989

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that a strategic plan by itself will not solve the many complexities associated with an issue such as composting. But our solid waste goals are too important and the potential benefits of expanded composting are too great for our county not to have a more unified sense of direction as to how we achieve both.

Thank you for your consideration of this legislation, and your commitment to make this county one of the greenest and most sustainable communities in the entire country.

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