


FROM	NAME & TITLE	Matthew W. Garbark, Acting Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 19-0477		

March 11 2020

TO:

Housing and Urban Affairs Committee

INTRODUCTION

I am herein reporting on City Council Bill 19-0477 introduced by Council Members Reisinger, Costello, Burnett, Cohen, Bullock, Pinkett, Middleton, Schleifer, Henry, Stokes, and Sneed.

PURPOSE

The purpose of the Bill is to create an exemption from any solid waste surcharge imposed by City Code Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore City; define certain terms; conform and clarify related provisions; provide for a special effective date; and generally relating to solid waste surcharges.

BRIEF HISTORY

In recognition that the City of Baltimore had little control over the commercial solid waste stream coming into and generated within the City, and with the State of Maryland moving to impose recycling goals on jurisdictions, Ordinance 757 of 1991 was enacted to create an economic incentive for businesses to choose recycling or other waste diversion measures over disposal options. The law assigns a solid waste surcharge on haulers or generators of solid waste who bring waste to a solid waste acceptance facility located within the City.

A solid waste generator is defined in Article 23 {Sanitation} of the Baltimore City Code as "...any person engaged in an enterprise which generates solid waste requiring collection and hauling to a disposal site". The surcharge is established at \$7.50 per ton of waste. Solid waste acceptance facilities do not pay the surcharge; rather, they collect the surcharge and remit it to the Department of Finance. Solid waste acceptance facilities are defined in the Sanitation Code as sanitary landfills, transfer facilities, central processing facilities, incinerators, medical/pathological waste incinerators, waste-to-energy facilities, or any other types of facilities that accept solid waste for disposal, treatment, processing, composting, compacting, or transfer to another solid waste acceptance facility.

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Exemptions from payment of the surcharge are granted to the City and Baltimore County “or their agents”, Maryland Port Authority (for harbor cleanups), certain nonprofits, neighborhood improvement associations, and loads under one ton delivered to City-owned solid waste acceptance facilities. The water and wastewater utilities are not exempted from paying the surcharge.

City Council Bill 19-0477 would add a definition of “disposal” that would exclude the handling of waste delivered to a transfer station or “...other processing facility where solid waste is not completely and ultimately placed in a landfill, incinerator, or waste-to-energy facility.” This definition seems to imply that any proportion of waste handled at these facilities that does not go to final disposal would exempt all of the waste from the surcharge. It would also exempt solid waste from the surcharge that is “...destined for final disposal outside of Baltimore City”. The legislation, as written, does not address how the Department of Finance would be able to determine or verify the final disposition of solid waste handled by solid waste acceptance facilities. Should this legislation be enacted, the amount of solid waste handled by solid waste acceptance facilities in Baltimore, whether or not it is subject to the solid waste surcharge, would still be counted by the State as part of the City’s solid waste stream and would therefore affect the City’s recycling rate.

FISCAL IMPACT

The Department is in the latter stages of a comprehensive operational plan for the management of the solid waste stream, called “Less Waste Better Baltimore”. Increasing recycling and expanding management of solid waste through waste diversion methodologies figure prominently throughout the report. Making these shifts in solid waste management will require investment not only by City government, but by the private sector as well. While Council Bill 19-0477 could lead to waste being diverted from the Quarantine Road Landfill, which is beneficial, it would also result in reduced revenues to the City. The Department defers to the Department of Finance as to the specific fiscal impact that would result from enactment of this legislation.

AGENCY/DEPARTMENT POSITION

The Department of Public Works defers to the Departments of Law and Finance on City Council Bill 19-0477.



Matthew W. Garbark
Acting Director

MWG:MMC