


MEMORANDUM

November 10, 2016

TO: County Council

FROM: Josh Hamlin, Legislative Attorney 

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

Transportation, Infrastructure, Energy and Environment Committee recommendation (2-0): Enact Bill 28-16 with amendments

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 public hearing was held on July 19 and a Transportation, Infrastructure, Energy and Environment Committee worksession was held on October 27.

Bill 28-16 would require the Director of the Department of Environmental Protection (DEP) 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. The Fiscal and Economic Impact statements are at ©9-12.

The Committee recommended (2-0) enactment of the Bill with the following amendments:

1. change the initial due date for the Strategic Plan from July 1, 2017 to October 1, 2017;

2. remove language requiring consideration of the environmental impact of upcounty trash haulers and insert in its place consideration of strategies for maximizing the volume of compostables collected; and
3. add the Maryland Horse Council and the governing bodies of all County municipalities to the list of stakeholders to be consulted in formulating the Strategic Plan.

Public Hearing

There were twelve speakers at the public hearing. Eileen Kao, Chief of the Waste Reduction and Recycling Section of DEP recognized that the Bill is consistent with County efforts to reduce waste and increase recycling, but noted that the Executive has concerns about the Bill's requirement that DEP develop the strategic plan by July 1, 2017, and its requirement that the strategic plan include consideration of the environmental impact of upcounty residential trash haulers (©13). Aliza Fishbein of the County Agricultural Advisory Committee spoke in support of the Bill, noting that it was a step in expanding the practice of composting beyond farms (©14-15). Heather Bruskin, manager of the Montgomery County Food Council spoke in support of the Bill, and offered several recommendations for components of a County "infrastructure development strategy" (©16-18).

Ryan Walter, co-founder of the Compost Crew, LLC, a County small business engaged in the collection and management of organic waste, spoke in support of the Bill, noting that expanding food waste composting is vital to the County's economic, environmental, and social sustainability (©19). Cheryl Kollin of Community Food Rescue also offered support for the Bill which she said will expand food waste diversion strategies and reduce waste (©20-21). Doug Alexander of BackyardComposting.org spoke of the virtues of small-scale composting and addressed many of the concerns – vermin, smell, etc. – related to residential composting (©22-23). Brenda Platt of the Institute for Local Self-Reliance also supported the Bill, saying "it is critical for establishing the framework for a comprehensive strategy" for expanding compost production and use (©24-25). Susan Eisendrath offered support for the Bill and provided information about how small-scale composting works (©26-27).

Brian Ditzler of the Sierra Club spoke in support of the Bill, with a focus on the impact it could have on reducing County waste (©28-29). Kit Gage of Friends of Sligo Creek offered support for the Bill, noting that widespread turf application of compost use would have a positive impact on soil health (©30-31). Paul Tukey of Glenstone offered an example of how composting contributes to increasing recycling rates (©32). Finally, Anne Sturm of the Sugarloaf Citizens Association spoke in support of the Bill and stressed the importance of locating compost facilities in a decentralized way throughout the County (©33).

Committee Discussion/Recommendations

- 1. Should the July 1, 2017 due date for the development of the strategic plan be extended?**

In her public hearing testimony, DEP's Eileen Kao expressed the Executive's concern regarding the Bill's requirement that the Director of DEP develop the strategic plan by July 1,

2017. She suggested that January 1, 2018 is a more appropriate date. In a letter dated July 27, 2016, the County Planning Board concurred with this suggestion (©37).

The Bill requires the Director to include a number of specific components, based on identified considerations, in the strategic plan (see ©3, lines 35-51). The Bill also requires the Director, in formulating the strategic plan, to consider a number of factors (see (3-4, lines 52-71). Each of these requirements – content and considerations – will likely involve significant research and analysis.

In addition to the above referenced required considerations and content, the Bill requires the Director to consult with a wide variety of stakeholders – 14 are specifically identified, and there is also a more general “organizations and individuals involved...” provision (see ©4-5, lines 72-91). Scheduling meetings with all of the stakeholders may take some time, in addition to the research and analysis required to make all of the requisite identifications/recommendations. The Bill was introduced on June 28; had it been quickly enacted, a July 1, 2017 deadline for the initial plan may have been feasible. However, because of the requirements in developing the plan and the fact that the Bill will not be enacted before late 2016, Council staff agrees that a July 1, 2017 deadline for the initial plan may be overly ambitious, particularly given the Bill’s likely date of enactment. Changing the initial due date to October 1, 2017, while three months earlier than DEP’s requested January 1, 2018 deadline, should allow DEP to generate a robust plan.

Committee recommendation (2-0): amend line 34 to change the initial due date for the strategic plan from July 1, 2017 to October 1, 2017.

2. Should consideration of the impact of upcounty trash haulers be included in the strategic plan?

One of the required considerations that the Director must take into account is “the environmental impact of residential trash hauling by private haulers in upcounty solid waste service districts” (see ©4, lines 70-71). In her public hearing testimony, Eileen Kao expressed the Executive’s view that this provision is not appropriate to be included in the context of this Bill. DEP has submitted additional comments on this provision which generally express the view that a provision related to certain *trash* haulers is not relevant to the development of a strategic plan to advance composting (See ©38).

Council staff agrees that the environmental impact of upcounty residential trash haulers, while a valid issue, is not particularly pertinent to Bill 28-16’s objectives. Examining best practices and pickup patterns of trash haulers may provide insight into how best to implement a successful, efficient curbside compost collection program, but would only be one component of a strategy to maximize the volume of compostables collected. Staff suggested substituting broader language focused on maximizing collection volume in place of the reference to trash haulers.

Committee recommendation (2-0): amend lines 71-72 of the Bill as follows:

(12) [[the environmental impact of residential trash hauling by private haulers in upcounty solid waste service districts.]] strategies for

maximizing the volume of compostables collected in a curbside collection program.

3. Should additional Stakeholders be added to those included in the Bill?

The Council received letters from the Maryland Horse Council (©38-41) and the City of Rockville (©42) asking that additional stakeholders be added to those listed in subsection (d) of §48-17B (see ©4-5, lines 75-92). The Maryland Horse Council asked that it be added as a stakeholder, citing the value and underutilization of horse manure as a substrate for compost. The City of Rockville asked that all County municipalities be included in the composting strategic planning process. Including the Horse Council and municipalities in the planning process is reasonable, and their participation could enhance the process and contribute to the ultimate success of any plan.

Committee recommendation (2-0): amend lines 92-96 as follows:

- (14) Community Food Rescue; [[and]]
- (15) the Maryland Horse Council;
- (16) the governing bodies of all County municipalities; and
- (17) organizations and individuals in the County involved in compost production and use and food waste diversion.

4. How will the recently issued Request for Proposals (RFP) for a Food Waste Processing Facility affect the Strategic Plan?

DEP provided the Committee with a summary of an RFP issued on September 9, 2016 at DEP's request by the Northeast Maryland Waste Disposal Authority "to provide for the processing of Acceptable Organics to include food residuals and food-soiled paper." (See ©44) While this RFP is not directly related to Bill 28-16, and its issuance does not impact the Bill's provisions, it is pertinent to the broader discussion of how the County handles the increasing utilization of composting as a recycling strategy. The summary provided by DEP includes information on the County's commitment to deliver compostables, pricing, and the term of the contract. Representatives from DEP discussed the goals and objectives in issuing the RFP, and indicated that it would not interfere with the formulation or execution of a Strategic Plan.

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Bill No. 28-16
Concerning: Solid Waste (Trash) –
Strategic Plan to Advance
Composting, Compost Use and Food
Waste Diversion
Revised: 10/27/2016 Draft No. 8
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, Hucker, Elrich, Riemer and Navarro

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:

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

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

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

- (1) the County's general goal of solid waste management establishes waste reduction as the most preferred management technique, followed by reuse, composting and recycling, then incineration with energy recovery, and, least preferred, landfilling;
- (2) food waste represents a significant percentage of the County's solid waste stream;
- (3) educating food producers can reduce the generation of excess food that would enter the solid waste stream;
- (4) giving food that would otherwise be wasted to organizations that serve people in need is a means to reuse excess food;
- (5) composting, a means promoting the biological decomposition of organic material such as food waste into a stable, humus-like product, is a first step in the recycling of food waste;
- (6) the use of compost has been demonstrated to benefit soil health by:
 - (A) suppressing plant diseases and pests;
 - (B) reducing or eliminating the need for chemical fertilizers;
 - (C) Promoting higher yields of agricultural crops; and
 - (D) Improving soil structure;
- (7) compost use is a valuable tool in stormwater management that can lower runoff volume due to improved water holding capacity, 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]]~~ October 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.]] strategies for maximizing the volume of compostables collected in a curbside collection program.

(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) the Maryland Horse Council;
- (16) the governing bodies of all County municipalities; and
- (17) 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

CHAIRMAN COUNCILMEMBER

ENERGY & ENVIRONMENT COMMITTEE

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)

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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.

###

BILL 28-16



ROCKVILLE, MARYLAND

JH
CC
SBF
LL

MEMORANDUM

July 15, 2016

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2016 JUL 19 AM 8:49

TO: Nancy Floreen, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Robert Hagedoorn, Acting Director, Department of Finance

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

Please find attached the fiscal and economic impact statements for the above-referenced legislation.

JAH:mc

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
Robert Hagedoorn, Acting Director, Department of Finance
Lisa Feldt, Director, Department of Environmental Protection
David Platt, Department of Finance
Matt Schaeffer, Office of Management and Budget
Naeem Mia, Office of Management and Budget

Fiscal Impact Statement
Council Bill 28-16 – Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion

1. Legislative Summary.

Bill 28-16 would require the Director of the Department of Environmental Protection (DEP) to develop a strategic plan to advance composting, compost use and food waste diversion and generally amend the County laws relating to Solid Waste (Trash).

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Bill 28-16 would not impact County revenues or expenditures. DEP will utilize existing resources to create the strategic plan outlined in Bill 28-16.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

See #2 above.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not Applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Bill 28-16 would not impact expenditures relating to the County's ERP or IT systems.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not Applicable.

7. An estimate of the staff time needed to implement the bill.

Bill 28-16 would not add to the workplan of the Division of Solid Waste Services. Employees currently working on food waste and composting issues will take on the responsibilities outlined in Bill 28-16 as a part of normal operations.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Not Applicable.

9. An estimate of costs when an additional appropriation is needed.

Bill 28-16 would not require additional appropriation.

10. A description of any variable that could affect revenue and cost estimates.

Not Applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not Applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

Not Applicable.

13. Other fiscal impacts or comments.

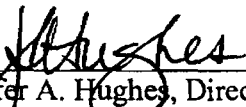
None.

14. The following contributed to and concurred with this analysis:

Dan Locke, Department of Environmental Protection

Anthony Skinner, Department of Environmental Protection

Matt Schaeffer, Office of Management and Budget



Jennifer A. Hughes, Director
Office of Management and Budget

7/18/16

Date

Economic Impact Statement
Bill 28-16, Solid Waste (Trash) – Strategic Plan on Composting

Background:

This legislation would require the Director of the Department of Environmental Protection (DEP) to develop a Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion (Plan) in the County by July 1, 2017. The goal of the Plan is to provide recommendations on legislative changes necessary to reduce food waste and promote composting. The Plan would also identify potential new County policies and initiatives to reduce food waste and promote and support composting throughout the County. Bill 28-16 would require the Director of DEP to submit an annual report.

1. The sources of information, assumptions, and methodologies used.

Source of information include DEP. The Department of Finance did not use any assumptions or methodologies in the preparation of the economic impact statement. According to information provided by DEP and as stated in the Background section, the goal of the legislation is to provide a strategic plan. As noted in the addition of Section 48-17B (4) to the County Code, "giving food that would otherwise be wasted to organizations that serve people in need is a means to reuse excess food", this could provide an economic benefit to low income families. However, without specific data on the Plan's implementation of the reuse of food, the value of the economic benefit is uncertain.

2. A description of any variable that could affect the economic impact estimates.

The variable that could affect the economic benefits to low income families is the amount of food provided through the reuse of excess food.

3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

Bill 28-16 could have a modest positive economic impact on low income families as a result of the implementation of the Plan as noted in paragraphs 1 and 2.

4. If a Bill is likely to have no economic impact, why is that the case?

Please see paragraph 3.

5. The following contributed to or concurred with this analysis: David Platt and Mary Casciotti, Finance; Dan Locke DEP; and Matt Schaeffer, OMB.



Robert Hagedoorn, Acting Director
Department of Finance

7/18/16
Date

**Testimony on Behalf of County Executive Isiah Leggett on
Bill 28-16, Solid Waste (Trash) – Strategic Plan to Advance Composting,
Compost Use and Food Waste Diversion**

July 19, 2016

Good afternoon President Floreen and Members of the County Council. I am Eileen Kao, Chief of the Waste Reduction and Recycling Section in the Department of Environmental Protection (DEP), and I am here to testify on behalf of County Executive Isiah Leggett in support of Bill 28-16. This bill would amend the County Code to require DEP to develop a strategic plan by July 1, 2017 to reduce excess food generation, reuse food that would otherwise be wasted, and increase the amount of food waste that is composted.

Bill 28-16 would require DEP to include in the strategic plan legislative, policy, metrics, and cost recommendations to reduce food waste and increase composting, developed upon our assessment of numerous considerations, and in consultation with numerous stakeholder organizations from both within and outside of County government. In addition, this Bill would require that DEP submit a report annually each July 1, updating the food waste diversion metrics that will be developed as a result of this bill, and documenting progress towards achievement of the goals that will be established in the strategic plan.

Bill 28-16 is consistent with our ongoing efforts to reduce waste and recycle more. Food waste represents a significant portion of the waste stream, and it is essential that we reduce food waste and recycle more food in order to achieve the County's goal to reduce waste and recycle 70% by 2020. DEP is currently pursuing long-term and large-scale food waste recycling processing capacity. We are working to identify and secure cost effective options to provide the County long-term access to a food waste composting facility able to accommodate our growing needs for food waste recycling, and accept and process increasing tonnages of food waste into compost. Our ongoing broader efforts, and the development and implementation of a strategic plan to increase food waste diversion and composting are complimentary efforts.

The County Executive has concerns over two of the provisions in proposed Bill 28-16. One concern is the timing set forth for development of the strategic plan. The bill proposes that DEP will develop the strategic plan by July 1, 2017. Based upon the number of organizations the Bill calls upon DEP to consult with, and the proposed areas to be evaluated, we strongly believe this timeframe is not adequate, and that the due date should be revised to January 1, 2018.

The other concern relates to the requirement that the strategic plan include consideration of the environmental impact of residential trash hauling by private haulers in upcounty solid waste service districts. This provision does not have a place in Bill 28-16. We do not believe this particular provision is appropriate to be included in the context of this bill.

We look forward to working with you on the important issue of food waste composting, and increasing recycling to achieve our goal to reduce waste and recycle 70% by 2020. Thank you for the opportunity to testify.

9

Testimony to the Montgomery County Council

Re: Concerning Bill 28-16, Solid Waste (Trash) – Strategic Plan on Composting

By: Aliza Fishbein, Non-Farmer Member, Montgomery County Agricultural Advisory Committee

Position: Support Bill 28-16

Good afternoon. Thank you for your time and consideration of Bill 28-16. My name is Aliza Fishbein, I am a Non-Farmer Member of the Agricultural Advisory Committee. The Committee is made up of farmers and non-farmers from across Montgomery County, all who have an understanding of the contributions and capacity of the agricultural community. Our members represent a spectrum of ages and farm types and sizes. Some of our members are new to farming and others are carrying on a tradition of farming that has run in their families for generations, sometimes on the same plot of land that has been in their family for 150 years or even more. We are stewards of our County's land; we know this very soil, and we live to work it and protect it.

The Committee asked me to speak on their behalf today because I have spent the last year writing my public health masters thesis at Johns Hopkins University on the topic of food waste composting in Montgomery County. I explored the strengths and opportunities of our current food waste disposal system, the threats it poses on health and the environment and the potential relief that food waste *composting* can provide.

I did extensive research, conducting literature reviews, going on site-visits, looking into historical and legal records, and perhaps most importantly, recording hours upon hours of stakeholder interviews. I discovered that most stakeholders recognize the benefits of food waste composting and would like to partake in it, but that for most, the regulatory scheme in the County makes it impossible.

Last year, the state of Maryland took an important step in encouraging composting on farms. Farmers in Montgomery County appreciate that these new rules are a helpful step in the right direction. But unfortunately, relying upon farms to carry the burden of food waste in the County is simply not realistic.

First, there is just not enough space on the County's farms to hold the amount of compost we would need to make an impact on the County's waste reduction goals.

Second, our farms are our livelihoods. We face many challenges in the agricultural industry, including fluctuating and unpredictable weather. Asking farmers to take on the extra burden of others' waste on the small scale currently permissible is not the strongest economic incentive.

Third, moving the waste all the way up-county from its source uses energy and brings more truck traffic to rural roads.

The Strategic Plan required by Bill 28-16 will involve a holistic assessment of opportunities for expanding food waste composting in Montgomery County. It will present a pathway forward to reaching our 70% recycling rate by 2020 goal.

We are grateful that the state of Maryland has begun to take small steps in the right direction, by recognizing the importance of composting. Relying on farms alone is not the answer. We would love to be part of a broader collaboration to address food waste disposal in our County.

We are grateful to Vice President Berliner for being the lead sponsor of this legislation and to those councilmembers who have joined him as co-sponsors.

It's time for the County to take seriously the need to dispose of its waste in-County in a sustainable manner. Our recycling goal is admirable, yet lofty. Bill 28-16 offers a real way forward to reach that goal and future goals.

I would like to submit into the record, a letter of support for Bill 28-16 from the Agricultural Advisory Committee.

Thank you.



10
July 19, 2016

TESTIMONY IN SUPPORT OF BILL 28-16: Strategic Plan to Increase Composting

The Food Council is an independent nonprofit that serves as the central connection point for stakeholders in the creation of a robust, sustainable local food system. We are named as a consulting stakeholder in this bill. Our Food Recovery and Access Working Group advises the efforts of Community Food Rescue to reduce food waste through food recovery and redistribution to food insecure residents. Our Environmental Impact Working Group seeks to protect and improve the environmental resources of our County related to agriculture and food, particularly soil and water, and addresses the second and third tiers of food waste reduction through recovery and redistribution for animal consumption. This group serves as a monthly convening of the non-profit and advocacy organizations, businesses, farmers, and government agency partners committed to identifying new opportunities for reducing food waste and increasing food waste composting capacity in Montgomery County. We frequently engage with the Montgomery County Department of Environmental Protection and regularly attend meetings of the Solid Waste Advisory Committee in collaborative pursuit of our shared goal of increasing local, reliable composting infrastructure options.

In addition, the group recently partnered with a JD/MPH student to create a capstone report, "Composting Food Waste: How to Expand Recycling in Montgomery County," a white paper that examines the current state of composting regulations in the County, the structure of government agencies that supervise composting programs and services, and the history of how they came to be. The Food Council was an active partner in the successful advocacy campaign achieving the passage of Maryland SB526, the Commercial Feed Exemption Bill, exempting donated food products to be used for animal feed from registration regulations stipulated by the Maryland Commercial Feed Law. These donations significantly reduce the food waste sent to incinerators and landfills and is therefore an essential step in redirecting excess food away from the waste stream. In the coming year, MCFC will work with existing regional partners advocate for the exemption the food waste donated for composting as use as soil conditioner as regulated by the Maryland Department of Agriculture regulations under the Fertilizer Law.

The Food Council and its Working Groups fully support this bill. Food waste diversion has significant agricultural and environmental health benefits and expanding our capacity on a variety

of scales will strengthen our County's farms, small businesses, non-profits, and communities. We consider food waste and food recovery as critical to meeting the County's 70 percent recycling goal by 2020 and consistent with the County Climate Protection Plan's commitment to reducing greenhouse gas emissions. Encouraging use of compost will become increasingly important to our County residents, as well as our local sustainability initiatives, and aligns well with the County's RainScapes and other green infrastructure initiatives (all of which could use compost).

There are a wide range of potential options for food waste composting; efforts can be successful at many scales spanning a variety of systems and methods. While it is essential to identify larger-scale options, pursuing a wide range of food recovery options is equally important, especially given the significant ability of smaller-scale efforts to begin operations relatively quickly, to cut private and public sector solid waste management costs, help keep finished compost on local soils, and decrease the environmental impacts of hauling.

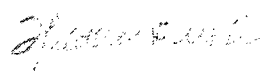
To this end, we recommend that the County consider an infrastructure development strategy that encompasses:

1. **Home composting** – More residents could be composting at home. There are many jurisdictions with robust backyard composting programs that the County could consider for replication in order to enhance its current program, which now focuses on yard waste and essentially discourages food waste composting. Cheverly (in Prince George's County) is a good example. As a result of a backyard bin program, 400 of its 1,600 households are now backyard composting approximately 100 tons a year, saving the Town about \$6,000 a year, \$120,000 over 20 years. The town invested just under \$4,000 total, which is a notable return on investment. Other participating Maryland municipalities are Bowie, Greenbelt, Mount Rainier, Brentwood, Colmar Manor, Berwyn Heights, Boonsboro, and Snow Hill. We believe a more robust home composting program that combines a training component and a bin give-away or rebate program would cut County costs and reduce the tonnage of food scraps it needs to process. Another viable option could be offering a simple retrofit option for the Geobins, currently provided for free, to enhance rodent proofing.
2. **Community-Scale composting** (such as at K-12 Schools, community gardens, urban farms) – This is one of the fastest growing segments of the composting sector. New York City is an example of a jurisdiction that considers community-scale composting integral to its organics recycling strategy. That City supports 225 community-scale composting sites in all five of its Boroughs. Likewise, the DC Department of Parks and Recreation has a network of -30 community gardens that are composting in rat-resistant 3-bin systems. These sites are accepting food scraps from off-site, including from Compost Cab, a private hauler collecting food scraps from residential and commercial clients. The Institute for Local Self-Reliance, is offers a Neighborhood Soil Rebuilders Composter Training Program to specifically train community leaders how to compost properly at the community scale in partnership with local jurisdictions.

3. ***On-site institutional and commercial composting*** (such as at detention centers, food banks, schools/colleges) – On-site composting is a viable option for many food waste generators. Frostburg University, for example, is successfully using a Rocket Composter to compost all its dining hall food scraps. Our group is also evaluating the feasibility of composting food scraps from the kitchen at the Correctional Facility at Boyds and the possibility of a commercial composting site on the property.
4. ***On-farm composting and other small-scale composting sites*** – The rollout of smaller facilities would likely create more jobs than the development of a handful of centralized facilities. A decentralized infrastructure will also reduce transportation costs, which are often the largest cost of any waste handling system. Veteran Compost, for example, is looking for one or more 3-acre sites to replicate its existing operation in Aberdeen. We had ~30 farmers attend our December 4th forum focused on on-farm composting; there is high interest among farmers in composting but they need support and training. We encourage the County to consider developing a pilot demonstration project at a farm.
5. ***Support existing and potential new green composting collection, processing, and sales businesses.*** These businesses face significant challenges in maintaining profitability and expanding due to a number of factors, including lack of access to land and capital (for example, grants or green bank funding), unclear Zoning Ordinance definitions for approved food scrap composting operational sites, and the burden of unnecessarily excessive regulations and their associated costs.

Finally, we encourage the DEP to prioritize in the short-term an arrangement with Prince George's County to secure access for Montgomery County food scraps at its Western Branch composting site in Upper Marlboro. That site, while limited in capacity, is expanding the tonnage of food scraps it can handle. There is a short window of opportunity now to negotiate capacity for tonnage generated from our County. Securing specific tonnage capacity at the Western Branch site would allow Montgomery County to pilot more food scrap collection and composting programs in the short-term while continuing to explore other options. Although these arrangements are important in the short term, it is essential that we also begin to identify sites where food scrap composting facilities can be developed in our own county.

We commend the County leadership's commitment to addressing this food system issue and thank the County Council and Executive for your support of our mission. We look forward to working with our partners to develop a comprehensive strategy for creating a culture of composting while significantly increasing food waste diversion capacity in Montgomery County.



Heather Bruskin
Manager, Montgomery County Food Council

Montgomery County Council:

7/19/2016

Respected Councilmembers,

I am Ryan Walter, a Montgomery County native and Walt Whitman Alumni. In 2011, my business partner, Brian Flores (also a Whitman graduate), and I founded The Compost Crew, a Montgomery County based small business that is committed to the effective and efficient management of our organic waste. Over the past five years, we have collected more than 1 million pounds of organics and delivered them to be composted. However, we are making investments to begin using our valuable feedstock to manufacture several premium compost based products.

It is with this background that we are excited about the steps that the County is taking towards addressing the issue of food waste with meaningful initiatives that may bring about real improvement. A mandate to develop a plan for more properly and effectively managing our food waste issues is so vital to our county's economic, environmental, and social sustainability.

Composting will create jobs. Not through the inefficient processing and transportation of the feed-stock and products (those will be refined to be super-efficient to cut down on costs), but through the value created from manufacturing valuable products. Products whose economic and environmental value surpasses that of the energy and limited products created from an incineration or anaerobic digestion process that additionally leaves sterile and even toxic bi-products.

NIMBY concerns are all predicated upon a poorly managed facility. When done properly, composting facilities are sustainable and are boons to the local economy and environment, without the negative aspects that come with disposal facilities sometimes wrongly associated with composting facilities.

On that note, I urge the County to ensure that there is infrastructure of a range of scales for composting within the county and that we rely primarily on our own infrastructure to process our food scraps. This will allow for greater control of product, stability of operations, and direct economic benefit for our community.

Finally, I offer the Council, the DEP, and any other group involved in the development and execution of the plan that The Compost Crew will be honored to be included in the discussion, to provide our insight from experiences in working in Montgomery County on this problem for the last five years, as well as to ensure that our strategy as a business is aligned with the County's goals and strategy.

Thank you very much for your time.

Ryan Walter

The Compost Crew, LLC – Co-Founder
Ryan@thecompostcrew.com | (301) 801-7713



July 19, 2016

To: Montgomery County Council Members
From: Cheryl Kollin, Program Director, Community Food Rescue

RE: Bill 28-16 Testimony in Support of Strategic Plan to Advance
Composting, Compost Use and Food Waste Diversion in Montgomery
County

Dear members of the Montgomery County Council:

My name is Cheryl Kollin and I'm the Program Director of Community Food Rescue, a program of Manna Food Center. As you know, thanks in part to County Council support, Community Food Rescue plays an important role in preventing good food from going to waste. We implement strategies that sit at the top tier of the EPA food recovery hierarchy by recovering food from donors and distributing it to our county's residents who are experiencing food insecurity. This is accomplished through a network of food assistance agencies powered by volunteer food runners. As of today, Community Food Rescue is a growing network of 99 food donor businesses, 28 food assistance organizations, and 43 volunteer food runners. In 2015, our food assistance organization members reported that they received 2.8 million lbs. of food that translates into 2.3 million meals. This also saved agencies from having to purchase \$4.9 million worth of food with their limited resources.

By establishing Community Food Rescue, the County Council already recognized the need to channel unsold, surplus food for people, animals, and compost. Yet while we are making good progress in diverting food to people, strategies for the other tiers are incomplete among food assistance organizations. Manna, as the largest food recovery and distribution agency in the county, is a good example. At its Gaithersburg warehouse, Manna sorts four million pounds of food annually and the majority is shared with people. Despite relationships with farmers who pick up food scraps for livestock, there are not enough farmers who can take the type of scraps generated. Currently there is no economical or efficient way to share it given the scale of Manna operations. Manna welcomes support in creating many more channels for getting food scraps to livestock and compost. It would save Manna money now spent on waste disposal and would contribute to a greener county.

We all know that food not fit for human consumption requires these other types of waste diversion strategies. Community Food Rescue is pleased to support Bill 26-18 to address the EPA's tiers of food for animals and food for composting. By strengthening the strategies, infrastructure, and resources focused on these two tiers, this Bill will help the County achieve its 70% recycling goal and reduce the approximately 140,000 tons of food waste it currently generates annually.

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In mandating a strategic plan for food waste diversion, this Bill will address the sometimes conflicting policies and barriers that prevent food waste diversion. We are excited by this Bill's comprehensive approach to create waste diversion streams at diverse scales, at the household, neighborhood, and county levels.

Cheryl Kollin
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Reference: Bill 28-16, Solid Waste (Trash) - Strategic Plan on Composting

Submitted by Douglas Alexander, President, NIE Institute, doug@niein.org
BackyardComposting.org and our experience with home composting.

Are vermin an issue?

The first question the dozen municipalities we work with asked is: **Are their concerns about vermin?** The Backyard Composting Project has provided around 2,000 compost bins for residential homes. We have not experienced any vermin other than a crafty raccoon that learned how to open the bin door. The simple solution was to turn the door toward a tree. There have been no rats, mice, cockroaches or other pests in the bins.

Bacteria, fungi and earthworms do most of the work of composting. There will also be a variety of other rotifiers in the bin that are part of the natural process of decaying that produces compost. In the summer there may be small flying insects, which are also part of this natural process.

Reasons why vermin are not an issue:

The EnviroWorld compost bins we provide offer screws that hold the bin firmly to the ground to keep out pests. The bins also have a locking top and are heavy weight that helps keeps them firmly on the ground. The bin is one solid piece with a door and top.

Food scraps decay and dehydrate quickly and thus don't provide much food content for pests. Meat and dairy would be the primary draw for pest, which is why we ask residents not to compost them.

To be extra safe residents can dig down a few inches so the compost bin bottom edge is below ground level.



The EnviroWorld Compost Bin holds 11 cubic feet of food scraps & soiled paper waste. A price of \$31 per bin plus shipping has been negotiated. Grant of \$6 per bin is offered.

Does compost stink?

The second question asked is: **Will residents and the municipality have issues with odor.** No! If residents avoid composting meats, dairy & oil odor is unlikely. In fact compost should have a pleasant odor like humus dug up in the woods. Mild odor may occur if the compost pile is too wet causing anaerobic conditions. The simple solution is to aerate the pile and mix in dry leaves with a fork or compost tool.

BackyardComposting.org provides a Composting Guide that covers all aspects of composting (browns & greens, what to compost & what not to, etc.). We also provide a 40-minute training video for residents and an hour webinar for municipalities. These resources help train residents to compost correctly to avoid any issues.

Why should residents compost?

For residents, the biggest benefit to composting is that it helps them monitor and then reduce their food waste, which is estimated at between \$1,350 & \$2,275 per household each year (Bloom, American Wasteland, page 187).

For \$20, our recommended resident purchase price for the bin, and a modest effort, households can save thousands of dollars by modifying their food purchases to reduce waste.

This provides an economic boost for their household as well as the local economy since they have more money to spend on other products or services.

Municipalities participating in the Backyard Composting Program include:

Cities of Bowie, Greenbelt, Mount Rainier & Brunswick – Towns of Cheverly, Berwyn Heights, Brentwood, Colmar Manor, Boonsboro, Middletown & Snow Hill

The City of Frederick is expected to start next month.

\$16 per bin is the yearly savings in tipping fees. This estimated is based on 500 pounds (1/4 ton) of food scraps & soiled paper waste per year with a \$64 per ton avg. tipping fee. With 2,000 bins placed the total yearly savings are \$32,000 and \$320,000 in savings over the minimum 10-year warranty life of the bins (bins can last up to 20-years).

Composting produces a remarkable substance that:

- Composting is a stormwater BMP. Even a small 6 x 6 foot plot amended with only 25 pounds of compost will hold an additional 100 gallons of water, as much as two 50 gallon rain barrels. Each household that composts produces 50 pounds of compost per year on average. (Source: www.dmww.com/upl/documents/library/reduce-your-water-use-with-compost.pdf)
- Sequesters carbon in the soil and holds nutrients in the root zone available for plants to use. It provides low, steady, balanced nutrition to plants.
- Enhances soil structure and quality. Clay soils: improved drainage and aeration. Sandy soils: improved water & nutrient retention. Also suppresses plant diseases.
- Raises the pH of acid soils and lowers the pH of alkaline soils. It helps keep soil pH in an optimum range for plants to use the available nutrients.
- Compost is not a fertilizer, it is an ecosystem. It seeds the soil with billions of diverse life forms that work together to make soil function and help plant roots absorb nutrients.

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**Montgomery County (MD) County Council Public Hearing on
Bill 28-16, Solid Waste (Trash) -
Strategic Plan to Advance Composting, Compost Use and Food Diversion**

Position: Support

July 19th, 2016

Testimony by Brenda Platt, Co-Director, Institute for Local Self-Reliance, bplatt@ilsr.org

My name is Brenda Platt and I am the co-director of the Institute for Local Self-Reliance, a nonprofit research and technical assistance organization, where I have worked on solid waste issues for 30 years. I head up our MD Composting Makes \$en\$e Project, which is advancing composting in the state as a key strategy to create jobs, enhance soils, protect the climate and regional watersheds, and reduce waste. I participated for two years on the MD Statewide Compost Work Group through which I supported the development of new statewide regs to permit composting sites and helped establish the state's 90% yard and food waste recovery goal by 2040. I am also on the steering committee of the MD-DC Compost Council, and have been licensed twice in Maryland to operate commercial scale composting facilities. In 2014, ILSR launched a replicable Neighborhood Soil Rebuilders composter train-the-trainer program in the DC metro region to train community leaders in the practice and science of small-scale composting (flyer attached). We are at the forefront of cultivating community composting and have hosted three national forums on the subject (agenda from January event attached). I've authored several reports on composting including: *Pay Dirt: Composting in Maryland to Reduce Waste, Create Jobs, and Protect the Bay*; *The State of Composting in the U.S.*; and *Growing Local Fertility: A Guide to Community Composting*. This past May I released a series of posters on composting's benefits to reduce trash, enhance soils, create jobs, and protect the climate. (Smaller versions are appended to this testimony.) I also co-lead the Young Activist Club of Takoma Park, which worked to get styrofoam lunch trays out of Montgomery County public schools and supported the County's styrofoam ban. (Thank you!) The Club has been trying to start a small pilot school composting project but evidently "composting is not an approved" activity at MCPS.

The Institute for Local Self-Reliance urges a favorable report on Bill 28-16.

Montgomery County has an excellent yard waste collection and composting program. Food waste reduction and recovery is the next holy grail. At least 198 communities in the U.S. now have curbside collection of food scraps, representing 2.74 million households spread out over 19 states. The biggest obstacle to such a program in Montgomery County is lack of facilities and infrastructure. One benefit of composting is that it can be small scale and large-scale and everything in between. In addition to considering one or more commercial-scale sites, we could be composting at schools. We could be composting more in backyards. We could be composting in community gardens and urban farms. We could be supporting farmers to compost. The DC Department of Parks and Recreation has a network of ~30 community gardens that are composting in rat-resistant 3-bin systems. Community-scale composting is one of the fastest growing parts of the composting industry.

Yet, local policy and strategy rarely supports a diverse and distributed infrastructure. This bill addresses this. It is critical for establishing the framework for a comprehensive strategy that considers food rescue, home composting, on-site composting, community-scale composting, on-farm composting, local use of compost to support soil health and the County's stormwater management program, and more.

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I offer the additional following reasons to support this bill:

1. **Composting Is Essential to Reach Higher Recycling Levels in Maryland:**

My 2013 report, *Pay Dirt*, found that there is an enormous opportunity to achieve higher recycling levels in Maryland with comprehensive composting. There's plenty of room to recover more leaves and yard trimmings, and most food scraps in the state are landfilled or burned. Almost half the garbage we set out at the curb is readily biodegradable in composting or anaerobic digestion facilities.

2. **Composting and Compost Use Will Create In-State Businesses and**

Jobs: *Pay Dirt* found that for every 1 million tons of yard waste and food waste diverted to composting, with the resulting compost used within the state, 1,400 new jobs could be sustained. Smaller facilities (under 5,000 tons per year) had a higher job-to-ton ratio than their medium sized (between 5,000 and 20,000 tons per year) and large sized (greater than 20,000 tons per year) counterparts. This indicates that the rollout of smaller facilities will create more jobs than the development of a handful of centralized facilities. A decentralized infrastructure will also reduce transportation costs, which are often the largest cost of any waste handling system.

3. **Maryland Has Insufficient Capacity to Recycle Food Scraps:** More capacity is needed within Maryland to handle materials, particularly food scraps. The closing of the Peninsula composting facility in Wilmington, Delaware, underscores the need for MD-based operations. This bill is designed to encourage development of a diverse and distributed infrastructure that engages the community and encourages local use of the final product to build healthy soil within the County.

4. **Policies Are Needed to Expand Composting and Compost Use In Maryland:** Local policies are needed to overcome lack of infrastructure and other obstacles to compost expansion. MDE's newly promulgated – summer 2015 – permitting regulations for compost sites establish a clear regulatory path. This bill focuses on one next logical steps: encouraging a wide range of capacity and a review of models in place elsewhere.

5. **Development of Food Waste Composting Sites Are Critical For Successful Implementation of the County's Styrofoam Ban:** The County's styrofoam ban encourages the use of compostable foodware. Infrastructure that can handle both food scraps and compostable ware is needed.

I look forward to working with county agencies and stakeholders on implementing the goals of the bill. Thank you.

About the Institute for Local Self-Reliance (ILSR): ILSR is a national nonprofit organization headquartered in Washington, DC. Since 1974 we have provided research and technical assistance on waste reduction, renewable energy, and other resource conservation issues to business, government, and citizens groups. We have worked in Maryland for decades to promote recycling-based businesses and jobs and prioritize waste reduction, reuse, and recycling over trash incineration and landfill disposal.

Composting Makes \$en\$e

- ❖ Expanding composting = supporting made-in-America industry
- ❖ 1,400 new jobs could be supported for every 1 million tons of food scraps and yard trimmings converted into compost and used locally
- ❖ These jobs could pay \$23 million to \$57 million in wages
- ❖ Small-scale community-based composting works
- ❖ Composting sustains 2x more jobs than landfilling and 4x times more than burning trash (on a per-ton basis)
- ❖ Healthy soils need organic matter like compost

Pay Dirt:
Composting in Maryland to
Reduce Waste, Create Jobs & Protect the Bay

LEARN MORE [www.paydirt.org](#)

ILSR INSTITUTE FOR LOCAL SELF-RELIANCE

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**Testimony on
Bill 28-16, Solid Waste (Trash) - Strategic Plan on Composting and Compost Use
July 19, 2016**

My name is Susan Eisendrath and I live at 9 Manorvale Court, Rockville, 20853 and I compost and use compost for my 3,000 square foot organic vegetable garden. I'm also a Master Gardener and I help with composting at the Derwood Demonstration Garden and I'm a Master Composter and I teach backyard composting.

I fully support this bill and my hope is that it will help create a culture of composting and compost use. Over the past 20 years, I've used a lot of methods, composting a variety of materials, including food scraps. Also, for the past 4 years I've coordinated with the Division of Solid Waste to ensure they distribute county compost containers, called GEO bins, at Master Gardener events. At these events, we demonstrate and provide advice on how to compost. My experience is that residents who receive the GEO bins are very motivated "composters" and they are eager to learn how to do it "right."

Most of the residents who want to start composting, want to compost food scraps. And often the people who are already composting, when I inquire about the material they compost, they say they are composting food scraps. As a Master Gardener, I let them know that according to what I have found in the County code, and I quote, *"The use of compost piles for the disposal of garbage is permitted only when the pile is completely rodentproofed. Compost piles consisting entirely of leaves and dirt do not require rodentproofing."* And according to the Code, garbage is defined as, quote: *"All organic waste materials resulting from the preparation, cooking, handling or storage of food."* And just to clarify, *"Rodentproofing"* is not defined in the Code.

As I understand it, at one point, the county allowed for the composting of food scraps and when there were complaints about odors and rodents, residents were discouraged from composting food scraps. It's important to prevent these problems and that's why there are best practice management methods to ensure that compost is being produced effectively and safely. These best practices are scientifically based, are easy, and they are being used in backyard settings, in community composting programs, and in large scale facilities. The "Composting Is Easy" summary fact sheet is attached, for additional information on composting and compost use.

Knowing how to manage the basic elements of composting can help prevent problems.

Here are the basics:

First of all, microbes, fungi, worms, and insects are the primary critters that do the composting work. Humans just "manage" the process.

Compost Critters need Food: And the best recipe of food for the microbes and fungi is a 3 to 1 ratio of browns to greens or 3 buckets of leaves, which are carbons, to 1 bucket of green garden waste, which is nitrogen. Having too much greens can cause odors, so if that happens, more browns or leaves should be added.

The next ingredients the critters need are Water and Air: Compost should be as moist as a damp sponge and if it's too wet, it can create odors, so the way to prevent this, is to add more dry leaves and turn or mix the compost to provide air. Leaving some sticks or wood chips in the compost will also allow for air and water pockets.

The Size of Pile and Temperatures are both important for hot composting: Some microbes like it hot, over 132 degrees, and to get compost to heat up, the 3 to 1 ratio recipe is important, and the size of the pile or container needs to be at least a 3'x3'x3'. Hot composting can also deter rodents.

Container/Bins, using Biofilters and Pre-decomposing are the last elements: Rodents can be prevented from entering compost by using enclosed containers such as a bin that's constructed using hardware cloth to cover any openings or by purchasing and using containers like the EnviroWorld Compost Bin.

Other effective methods include placing a 4-6 inch layer of leaves around the compost to act as a "biofilter" to prevent any possible odors. Food scraps can also be stockpiled and "pre-decomposed" in a 5 gallon bucket or trash can, by layering in food scraps and leaves, and then this organic material can be added to the compost, placing it in the center, with a biofilter around it. Lastly, when composting food scraps, it's important to make sure to leave out meat, fish, dairy, oils and fats as they decompose more slowly, tend to give off more odors, and they can be more attractive to rodents.

While most of the material we compost at Derwood is garden waste, this year we experimented with composting food scraps. We compared the composting temperatures and compost quality using an open bin system, the GEO bin container and the EarthSaver container. While we are still analyzing the data, preliminary results indicate that the compost with food scrap material, composted at higher temperatures and produced a higher quality product using all the methods.

I encourage the county to expand the already good foundation they have, by providing residents with the education and training to compost food scraps. There are many resources, models and strategies that the county can use to design programs that promote composting in an effective and safe manner, and below is a list of a sampling of these resources. Once passed, I look forward to working with the county to help create the Strategic Plan and to implement the programs, providing diversified composting options to county residents and promoting compost use. Thank you for your time and attention.

Resources for Composting and Compost Use:

<http://compost.css.cornell.edu/>

<https://ilsr.org/composting-best-practices/>

<http://www.cbsm.com/pages/guide/preface/>



Montgomery County Group

July 19, 2016

Testimony on
Bill 28-16, Solid Waste (Trash) - Strategic Plan on Composting and Compost Use

Good afternoon. My name is Brian Ditzler and I am testifying on behalf of Sierra Club Montgomery and its more than 5,000 members in this County. I am also a dedicated backyard composter.

We applaud the Food Council, Councilmember Berliner and the Department of Environmental Protection for working on the creation of this bill. For the past 8 years, Sierra Club Montgomery has been actively advocating for programs that promote sustainability through the County Climate Protection Plan; this bill is a critical part of the County's commitment to reducing our carbon footprint and fighting climate change. Recycling and composting both involve the recovery of substantive value from materials now discarded in municipal solid waste.

While we support this Bill because, as others have noted, there are many benefits to composting food scraps and using compost, we are particularly interested in the impact that it can have on reducing County waste.

As we understand it, a significant portion of the County's waste is currently incinerated both to dispose of the waste and to generate energy. Even with the best emissions capture technology available today, burning trash results in the release of pollutants that can contribute to respiratory illnesses, birth defects, damage to the immune system, cancer and more. Composting the County's food scraps would reduce the amount of material burned, which could improve the air quality of our region. It's also important to recognize that food scraps are an inefficient source of energy for the incinerator, due to their low calorific value and high moisture content.

We are also pleased that this bill not only addresses the need to establish a large scale municipal food scrap composting system, it also calls for a more robust backyard composting program, community composting, as well as support for developing on-farm composting. The County already has a good foundation for expanding the backyard composting program to include composting food scraps. We encourage DEP to offer additional training to residents that includes best practices for composting and, if necessary, to provide residents with compost containers appropriate for food scrap composting.

Finally, we like that the bill calls for DEP to include the use of compost for a number of purposes. DEP already recommends adding compost to soils for RainScapes projects,

and there is potential for increasing the use of compost for other County programs. MCDOT and the Parks Department could use compost in erosion control and landscaping, and compost sold commercially could be used in similar ways.

In closing, we want to emphasize that this bill provides the County with a huge opportunity to be a leader in this region by planning and implementing a comprehensive food scrap composting program. We urge the County Council to pass this bill and to support the efforts of DEP to create a diversified composting system. The Sierra Club looks forward to working with the County in the future on this plan and the resulting programs.

Brian Ditzler
Sierra Club Montgomery Executive Committee
Sierra Club Maryland Co-Chair
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Testimony to Montgomery County Council – for Hearing July 21, 2016
On Bill 28-16 Solid Waste (Trash) - Strategic Plan to Advance Composting,
Compost Use and Food Waste Diversion
By Kit Gage, President, Friends of Sligo Creek

Friends of Sligo Creek (FOSC) supports this important bill. We agree that the effort to remove 70% of the waste stream from landfill is very important, and targeting the removal of food waste is (sorry) the low hanging fruit to achieve this goal. As one of the pinch points is a market for the composted material, it is critical to link the product with a good use.

We completely agree that composted food waste applied to turf is a lovely solution. One of the most difficult dual pieces of this effort is making turf more absorptive and at the same time reducing use of pesticides and inorganic fertilizers to turf. This bill, facilitating use of composted food waste, can help address both sides of this need. Composted turf improves soil health and fertilizes it, reducing or eliminating the need (or perceived need) for inorganic fertilizers and pesticides.

FOSC long has supported relatively cheap, simple and replicable stormwater mitigation efforts to facilitate the MS4 requirements. Compost is recommended for DEP's RainScapes projects because it absorbs more water than soil and as a soil amendment, it improves the health of plants. Also if the County produces food waste based compost locally, they could have another and very rich and complimentary (to composted leaves) soil amendment source for their green infrastructure projects, to help meet the MS4 permit.

Friends of Sligo Creek understands this problem from the effects on the park and particularly on Sligo Creek. Because there is so much impervious surface in the county, and what is not impervious is hard surface turf that doesn't function well to absorb rainwater, we see the effects in the creek of flooding during storms, and drought in between. Further the misapplication of inorganic fertilizers and overuse of pesticides is greatly damaging to water quality and survival of aquatic life. If this bill is well implemented, it will help turn people toward a healthier turf that supports more wildlife in itself, and absorbs stormwater better. And then the effect downstream will be a healthier creek and watershed in general.

Application of compost to turf is well documented in the literature (and in my personal experience) as greatly improving the tilth of the soil, and the absorption by turf of stormwater. If the county sets up or contracts for effective food waste composting, and makes it easily

available, the result will be a huge win for the county in its many faceted effort to improve the environment.

.....

Kit Gage has been president of Friends of Sligo Creek since April 2014. She has been active with the FOSC Stormwater Committee since 2005. She became a Master Watershed Steward thru the Anne Arundel County program and then helped co-found and co-direct the National Capital Region Watershed Stewards Academy. She received a Horticulture Certificate from the Graduate School USA, and was honored at the H2O Summit this spring.

Kit Gage
president@fosc.org
PO Box 11572
Takoma Park MD 20913

TESTIMONY OF PAUL TUKEY of GLENSTONE
to MONTGOMERY COUNTY COUNCIL, 7/19/16

At the Glenstone Museum in Potomac, where I have served as the Chief Sustainability Officer for the past several years, we have been trying to meet this County's 2020 goal of 70 percent recycling of office materials since 2013. In July of that year we commenced weighed measurements of Mixed

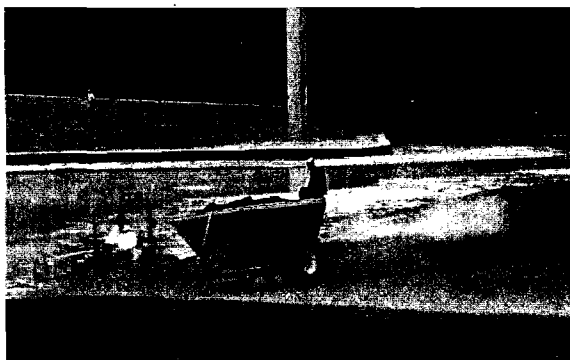


Paper, Co-Mingled Materials and Trash and found that about **the best we could achieve was 55 or 60 percent recycling**, even in a highly monitored, trained and motivated environment.

By the end of 2013 we purchased two small composting bins for our leftover food scraps. Due to the popularity of the program, the composting operation soon shifted to a tennis court that was no longer in use. By the fall of 2014 our grounds crew was applying the first "finished" compost to our landscape, which has gained notoriety in the County

and beyond for its all-organic approach to maintenance. These exemplary results would not be possible without the inclusion of compost.

Our most recent data now shows an average recycling rate of 83 percent of our office materials. This rate would be approximately 25 points less if we did not include the composting of our leftover food, and also of the compostable food service materials — plates, cups, napkins, forks etc. — that are now mandatory at Glenstone.



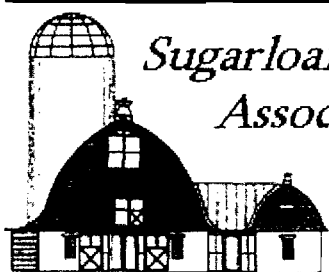
As a part of the significant facilities expansion (above) currently ongoing at Glenstone, which will include new art galleries and a farm-to-table café, we are also building an Environmental Center where the public can come to learn about Glenstone's numerous environmental initiatives. Front and center, of course, will be a composting facility.

On a personal note, I've been a lifelong user of the black gold known as compost since the

1960s at my grandparents' dairy farm in Maine. In those days it would have been unthinkable to not bring any leftover food to the compost pile; "waste not, want not" was a central theme to my grandparents' way of life.

As an adult who has endlessly studied the earth and its natural systems, I've come to this conclusion and made this statement broadly as I've lectured around the world: **"The conscious creation of compost is mankind's single greatest gift to the planet."** So much of what we do as humans depletes the earth's resources; creating compost actually gives something valuable back. Virtually anything that used to be alive, either derived from plants or animals, can be utilized to enhance life again in the form of compost. We can, *and must*, do everything possible to encourage composting in its myriad forms. Compost's positive impact on plant and soil health, and especially water retention, is nothing short of profound.

Please consider Glenstone and myself a resource in this endeavor you're considering today.



*Sugarloaf Citizens'
Association*

Protecting Our Rural Legacy

Linden Farm, 20900 Martinsburg Rd., PO Box 218, Dickerson, MD 20842 • Tel. 301-349-4889
www.SugarloafCitizens.org

Good Afternoon. My name is Anne Sturm and I am testifying on behalf of the Sugarloaf Citizens Association (Sugarloaf). Sugarloaf is a volunteer organization that has an over 40-year history of work to preserve the agricultural tradition and environmental health in upper Montgomery County.

With that mission in mind, I am here today to register our support for Bill 28-16. As some of you might remember, Sugarloaf was one of the earliest advocates for recycling in our county and our support for the environment and conservation continues. A strategic plan with the goal of expanding composting as well as reducing food waste in Montgomery County is laudable. As an organization representing residents in the Agricultural Reserve, we would like to stress the importance of locating composting facilities in a de-centralized way throughout the county. Currently Dickerson—an Ag Reserve community—houses the yard waste composting facility, incinerator, ash-fill and power plant. It is unfair to burden one community with the county's large-scale facilities. Furthermore, on-farm composting can benefit farmers as well as the county overall—as long as it does not place undue burdens on roads, the sole source aquifer, and nearby residents. They are stakeholders, as well.

Thank you for your time and service to our county.

Sincerely,

Anne Sturm

MONTGOMERY COUNTY MARYLAND
SOLID WASTE ADVISORY COMMITTEE

July 14, 2016

The Honorable Isiah Leggett
County Executive of Montgomery County Maryland
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, MD 20850

County Council of Montgomery County Maryland
President, The Honorable Nancy Floreen, At-Large
Vice President, The Honorable Roger Berliner, District 1
The Honorable Marc Elrich, At-Large
The Honorable Tom Hucker, District 5
The Honorable Sidney Katz, District 3
The Honorable George Leventhal, At-Large
The Honorable Nancy Navaro, District 4
The Honorable Craig Rice, District 2
The Honorable Hans Riemer, At-Large
Council Office Building
100 Maryland Avenue, 5th Floor
Rockville, MD 20850

SUBJECT: Bill No. 28-16
Solid Waste (Trash)
Strategic Plan on Composting

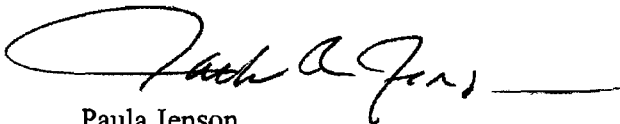
The Solid Waste Advisory Committee (SWAC) enthusiastically endorses and supports Bill No. 28-16;

AN ACT to:

- (1) Require the Executive to propose and implement 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).

The SWAC is composed of 15 members of the community representing citizens, businesses, and the solid waste industry whose mission is to advise the county council and the county executive on all matters relating to solid waste management within the county.

SWAC believes this bill is an important step in moving the County to its goal of 70% recycling by 2020.



Paula Jensen
Chair, SWAC

BILL 28-16



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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OFFICE OF THE CHAIR

5042877

July 18, 2016

The Honorable Nancy Floreen
President, Montgomery County Council
Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

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COUNCIL

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SUBJECT: Bill No. 28-16
Solid Waste (Trash)
Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion

The Montgomery County Planning Department and Department of Parks support Bill 28-16. By taking organic materials out of the County's waste stream, composting is not only an important step towards realizing the County's goal of 70% recycling by 2020, but the associated reductions in CO2 emissions at the County's Waste Recovery Facility will also further advance the goals of the County's Climate Protection Plan. By producing a valuable soil enhancer for agricultural, landscaping, gardening and other uses, composting also provides many other environmental and economic benefits.

In addition to the benefits noted in Bill 28-16, healthier soils through compost amendments can be an important factor in improving and protecting our water and air quality:


- Less runoff will decrease soil erosion and deliver fewer pollutants to our surface waters.
- Compost releases nutrients slowly—over months and years, unlike chemical fertilizers. This also results in reduced pollutant inputs to both groundwater and surface water.
- Reducing the need for chemical fertilizers will reduce the greenhouse gas emissions (N2O) that are associated with their use.
- Compost additions increase the ability of soil to capture and store atmospheric carbon.

These benefits, too, will support efforts to meet the goals of the County's Climate Protection Plan, as well as the water quality requirements of its MS4 Permit, the "green" practices goals and objectives of the Department of Park's Vision 2030 Strategic Plan and Parks, Recreation and Open Space (PROS) Plan, and the environmental goals, objectives, and strategies of the General Plan.

The Honorable Nancy Floreen
July 18, 2016
Page Two

As Bill 28-16 indicates, interagency coordination and input will be important in creating a successful strategic composting plan, and the Planning Department and the Department of Parks look forward to participating in its development.

Sincerely,

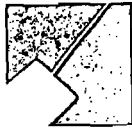


Casey Anderson
Chair

cc: Montgomery County Planning Board
Gwen Wright
Rose Krasnow
Lisa Feldt
Mike Riley
John Nissel
Mitra Pedoeem
Pamela Dunn
Mark Symborski

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MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

July 27, 2016

The Honorable Nancy Floreen
President, Montgomery County Council
Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

SUBJECT: Bill No. 28-16
Solid Waste (Trash)
Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion

This letter is a follow-up to my previous letter regarding the referenced Bill, dated July 18, 2016, to provide additional input prior to the upcoming Transportation, Infrastructure, Energy, and Environment Committee worksession. Although the Commission continues to support Bill 28-16, the Department of Parks has since noted that the State nutrient management laws are not entirely in line with this Bill's intent to increase the use of compost while reducing synthetic or "chemical" fertilizer inputs. Compost of any composition contains phosphorus, and thus would be prohibited under current law from use on soil or turf that did not have a soil test indicating the need for phosphorus. This would preclude top dressing athletic fields even when over-seeding, and would also not allow compost tea applications, both of which are integral in organic or reduced-chemical turf management programs. As a result, the current nutrient management laws and regulations might conflict with the intent of Bill 28-16, and have potential unintended negative consequences regarding organic turf management.

The Planning Department and Department of Parks also agree with the 7/19 Public Hearing testimony of Eileen Kao (speaking on behalf of the County Executive and DEP Director Lisa Feldt) requesting an extension of the deadline for delivery of the strategic plan from July 1, 2017 to January 2018, to allow adequate time for research and for meeting with all the groups identified as interested parties.

As Bill 28-16 indicates, interagency coordination and input will be important in creating a successful strategic composting plan, and the Planning Department and the Department of Parks look forward to participating in its development.

Sincerely,


Casey Anderson
Chair

July 12th, 2016

Montgomery County Council

Council Office Building

100 Maryland Avenue, 6th Floor

Rockville, MD 20850



Re: Bill 28-16, Solid Waste (Trash) - Strategic Plan on Composting

Dear Council Vice President Berliner and members of the Montgomery County Council:

My name is Jane Thery and I am the Founder and Chair of the Maryland Horse Council's Farm Stewardship Committee. The Maryland Horse Council (MHC) is a membership-based, umbrella trade association of the entire horse industry in Maryland. Our membership includes horse farms, horse related businesses, individual enthusiasts, and breed, interest and discipline associations. As such, we represent over 30,000 Marylanders who make their living with horses, or just own and love them. Montgomery County is home to one of the highest proportions of our statewide membership.

The Farm Stewardship Committee was established in 2011 to assist horse farm owners and managers to reach their land stewardship goals by providing user-friendly information, community support, and access to information on financing and other incentives. The Committee also works to gain recognition for Maryland's horse farms as excellent stewards of about one-quarter (approx. 587,000 acres) of all agricultural land in the state. Much of that equine-dedicated land is in pasture and forest, both of which help reduce run-off to streams and rivers and provide wildlife habitat. We are dedicated to bringing the voice of the horse community into discussions of laws, regulations and incentive programs for agriculture and for the environment.

MARYLAND HORSE COUNCIL
P.O. BOX 141
DAMASCUS, MD 20872



MARYLAND HORSE COUNCIL
P.O. BOX 141
DAMASCUS, MD 20872

MHC has been actively pursuing ways to increase the available facilities and opportunities for composting horse manure. For the past several years MHC has been conducting a careful study of options. After a state-wide survey on the use of the approximately 55 pounds of manure each of our horses produce every day, I and MHC are dedicated to promoting modern composting and its use for on-farm and commercial organic soil enhancement. An important partner in these efforts has been the Soil Conservation Districts Equine Specialists. We have also been in contact with organizations promoting food composting and believe there is ample opportunity for cooperation and coordination with this community. We have noted, in particular, that the absence of a broad, wholistic, and regional approach, and the lack of regional infra-structure, have been significant hindrances to the development of effective and efficient solutions for the re-use of important organic resources.

Composted horse manure is a valuable and as yet under-utilized resource. According to a 2010 equine census,* Maryland is home to 79,100 equine animals housed at 16,000 locations with 188,000 acres devoted strictly to horses. Montgomery County is one of two Maryland counties with the largest number of horses. According to the 2010 Census, there are about 8,000 horses in Montgomery, with over 15,000 acres related to equine use.* Many members of the Montgomery County horse community are leaders in quality composting and pasture management.

As noted above, the average horse excretes 55 pounds of waste per day,** Therefore, using the 2010 census numbers, Montgomery County horses produce approximately 160,600,000 pounds of manure per year. While many farms are able to compost this material and use it as fertilizer and soil amendment on-farm, many others do not have that capacity and are forced to have that material disposed of off-farm, often at great expense to the farmers. And some of this material may end up in landfills. (A 2015 MHC survey of Maryland horse farmers revealed that 34% of respondents reported that they sent un-composted manure off the farm for disposal. 50% of respondents who had their horse manure hauled away were not aware of the ultimate disposition.)

Horse manure is a good substrate to use for compost. First, it's drier than other livestock manure, therefore it's easier to transport from one location to

another. Second, it has a 5:1:2 ratio of nitrogen, phosphorous and potassium,** and thus is relatively balanced in nutrients when it's applied as a soil amendment. Third, when the compostable manure includes animal bedding products such as sawdust or wood shavings, or other vegetative materials such as food waste, it is close to an ideal 25:1 carbon to nitrogen ratio. It is in the best interest not only of horse farm owners, but of all Maryland citizens and of our environment to ensure that these waste animal and plant products are recycled to their highest and best use.



MARYLAND HORSE COUNCIL
P.O. BOX 141
DAMASCUS, MD 20872

MHC believes that Montgomery County Bill 28-16 will be an important step in finding and developing composting opportunities, and increasing the number of composting facilities, which, in turn, potentially will increase the opportunities for composting horse manure. In those facilities where it is practiced, it has been shown that food waste when composted with horse manure results in an excellent compost/soil amendment. Given the large quantity of un-composted Montgomery County manure and food waste currently being disposed of, exploring ways in which food waste and horse manure can be composted, either jointly or in related facilities, is an indisputable win-win for the County from both an economic and environmental standpoint.

Therefore, in consideration of the bill's legislative finding that -

"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." (sec. 1(a)(8) [emphasis added]; and given that the bill requires the Strategic Plan to consider - "diversion and composting of non-food waste compostables," (sec. 1(c)(9); we respectfully request that **The Maryland Horse Council and its Farm Stewardship Committee, and the Montgomery County Soil Conservation District Equine Specialist's Office** be added to the list of stakeholders in **Bill 28-16, Solid Waste (Trash) - Strategic Plan on Composting.** (sec. 1(d).

Thank you very much for the opportunity to address your Council through this written testimony. I would be glad to answer any questions regarding this request.

With respect,

Jane Thery

Chair and Founder

Maryland Horse Council Farm Stewardship Committee



* MASS (Maryland Agricultural Statistics Service). 2002. Maryland Equine: Results of the 2002 Maryland Equine Census. Annapolis, MD: Maryland Department of Agriculture.

** Lawrence, L., J.R. Bicudo, and E. Wheeler. 2003. Horse manure characteristics literature and database review. In Proc. International Anim., Ag. Food Processing Wastes Symp., Research Triangle Park, NC, Oct. 12-15., 277-284. St. Joseph, MI: Am. Soc. Ag. and Biol. Engineers.

MARYLAND HORSE COUNCIL
P.O. BOX 141
DAMASCUS, MD 20872



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

August 2, 2016

The Honorable Roger Berliner, Vice President
Montgomery County Council
Stella Werner Council Office Building
100 Maryland Avenue, 5th Floor
Rockville, Maryland 20850

Re: Rockville Comments on Bill 28-16, Solid Waste (Trash) – Strategic Plan to Advance
Composting, Compost Use, and Food Waste Diversion

Dear Councilmember Berliner:

The Mayor and Council commends you for leading Montgomery County's efforts to implement a composting program and for your introduction of Bill 28-16 to create a strategic composting plan. The City of Rockville agrees with the County's conclusion that composting is good for our water, soil and air while removing food from the waste stream thereby helping move toward the ultimate goal of zero waste.

While Rockville has long promoted backyard composting to our residents, we are looking forward to the day when a large scale waste food composting facility opens in Montgomery County. If adopted, Bill 28-16 is a strong first step that puts us on a pathway to realize that goal and charts the course for service delivery to our community.

We request that you amend the legislation to include all Montgomery municipalities in the composting strategic planning process. While the level of participation may vary among the municipalities if a composting program is created, cities can provide input that is relevant to each community, and assist Montgomery County in the creation of a program that meets the needs of all residents. Should the amendment be included in the enacted legislation, we will quickly proceed with naming a representative to the process.

If the County implements a program in the future, Rockville as a refuse collector will be prepared to assess the implications and what adjustments would need to be made to its refuse operations, if the City were to participate.

MAYOR

Bridget Donnell Newton

COUNCIL

Beryl L. Feinberg
Virginia D. Onley
Julie Palakovich Carr
Mark Pierzchala

ACTING CITY MANAGER

Craig L. Simoneau

CITY CLERK

DIRECTOR OF COUNCIL OPERATIONS

Kathleen Conway

CITY ATTORNEY

Debra Yerg Daniel

Honorable Roger Berliner, Vice President

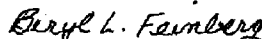
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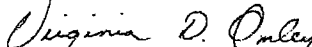
August 2, 2016

Should you have any comments or questions on this matter, please do not hesitate to contact Mark Charles, Environmental Management Chief, at (240) 314-8871 or mcharles@rockvillemd.gov.

Sincerely,


Bridget Donnell Newton, Mayor


Beryl L. Feinberg, Councilmember


Virginia D. Onley, Councilmember


Julie Palakovich Carr, Councilmember


Mark Pierzchala, Councilmember

cc: Council President Floreen and County Councilmembers
Craig Simoneau, Acting City Manager
Rockville Environment Commission
Judy Ding, Acting Public Works Director
Mark Charles, Chief of Environmental Management

CB 28-16 Provision on Residential Hauling by Private Refuse Haulers:

The last provision included in Council Bill 28-16 (Solid Waste – Strategic Plan to Advance Composting, Compost Use and Food Waste Diversion) calls for the strategic plan to consider the environmental impact of residential trash hauling by private haulers in upcounty solid waste service districts in its recommendations.

- This provision does not fit within the construct of Bill 28-16, and seems to be out of place among the other considerations and elements in the Bill which are pertinent to increasing composting, compost use and food diversion;
- This provision raises a separate and distinct issue not directly related to the other considerations in the Bill or the intended purpose of the Bill;
- Including this provision conveys the appearance of inadequate transparency on private hauler concerns because it's embedded within this bill to advance composting and increase food waste diversion;
- Those that would be most affected by this provision are not necessarily among the same audience or participants as for the other issues that have been identified by this legislation;
- Including this provision could cause a significant distraction and effort, detracting from work focused on the more relevant issues to increasing composting, compost use and food waste diversion; and
- Embedding this provision could be perceived by private haulers, especially small-sized private haulers, as an attempt to negatively impact their economic livelihood without the benefit of their awareness, participation, input, etc.

Summary of the Food Waste Processing Facility RFP For T&E

Background:

DSWS has projected that a new “organics recycling” initiative diverting 30,000 TPY of food waste and soiled paper will be needed in order to achieve its overall 70% recycling and waste diversion goal by 2020. By comparison, DSWS estimates (based on its “tip&sort” waste composition studies) that approximately 146,300 TPY of food waste and another 61,000 TPY of soiled but compostable paper are disposed of annually. Lack of a processing facility is a distinct hurdle. DEP requested the Northeast Maryland Waste Disposal Authority (“Authority”) to issue a Request for Proposals (RFP) to provide the processing of “Acceptable Organics” to include food residuals and food-soiled paper. The RFP is designed to provide assured capacity for a 45,000 TPY. This should allow for a range of non-centralized options, and yet assure reaching our recycling goal. The RFP was issued on September 9, 2016 and responses are due on November 8, 2016.

Flow Control (Excerpt from RFP):

“The County is prepared to offer positive pricing incentives to encourage the private sector haulers to route clean loads of commercial food waste and soiled paper through the Transfer Station or deliver directly to the acceptance facility.”

County Commitment Envisioned to Support a New Facility:

Excerpt from RFP: The Authority (County) would guarantee to deliver, or cause to be delivered, the following Acceptable Organics tonnages per Service Year.

<u>Service Year</u>	<u>Tonnage</u>
1.	10,000 tons
2.	20,000 tons
3.	30,000 tons
4.-10	30,000 tons
Ext. 1 11-15	30,000 tons
Ext. 2 16-20	30,000 tons

“Service Year” means any 365 day period (or 366 day period, in the event of a leap year) commencing with the first day that the Facility continuously accepts Acceptable organics, and thereafter commencing on the anniversaries of that commencement of service.

In each case, the Authority (County) reserves the right to deliver yard trim to meet the guarantee

In case more tonnage is needed, under the RFP, “The Contractor guarantees the ability to process a minimum of 1.5 times the Authority tonnage guarantee for the entirety of the initial term and each of the extension terms.” Depending upon the curbside collection decisions year 3 through 10 of the initial term may include yard trim for a total of 66,000 tons of foods scrap and residential yard trim.

Pricing:

Pricing must be given for the following tiers: Acceptable Organics (30,000 tons in Service Year 3; price applicable in Service Year 1-10,000 tons and Service Year 2- 20,000 tons); Acceptable Organics, (30,001 tons to 45,000 tons total); and Acceptable Organics (45,001 tons and up)

The RFP also allows a price “adder” for accepting loads that are too contaminated. In the case of a distant facility, the RFP also allows the proposers to offer (at County option) to provide transportation from the County Transfer Station to its facility (wherever located). In the case where organic materials are transferred through the County Transfer Station, but the proposer does not provide transportation from the Transfer Station to its facility, the RFP allows for a price adder for unacceptable materials that must be returned to delivery vehicle or a fee for the management of unacceptable material. Finally, the RFP also allows the County to shift its currently collected curbside yard trim (about 36,000 TPY) to the new facility. This provision is designed allow the County the future option to co-collect residential food waste together with yard trim, reducing demand on its existing composting facility in Dickerson, and potentially allowing for cost-effective collection of organics.

Term: The initial contract term will begin on or about the Effective Date and will be for ten (10) years, plus two (2) optional five (5) –year terms, each to be exercised at the Authority’s sole discretion.