

Potomac Watershed Trash Reduction Plan

3 Year Trash Reduction Plan



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Executive Summary

Mission Statement

The plan serves as a guide of recommended legislative actions for local and state elected leaders, not-for-profit institutions and other stakeholders to pursue in creating a trash free Potomac River Watershed within a three year time frame.

Legislative Opportunity

Governments in the watershed have shown a willingness to enact policies that provide great benefit to our aquatic resources. This was noticeable in the recent passage of the Anacostia River Cleanup and Protection Act by the District of Columbia. This legislation was met with great enthusiasm by local environmentally minded not-for-profit groups and local and state elected officials. This strategic plan provides five (5) legislative policy recommendations that will build on this success and result in significant reductions in trash and refuse throughout the Watershed.

Plan Formulation

This Plan was composed over a one-year period with participants convening on a monthly basis. The working group met 7 times over the course of a year and consisted of representatives from:

Surfrider Foundation, Washington, D.C. Chapter

Alice Ferguson Foundation

Anacostia Watershed Society

Sierra Club, Maryland Chapter

Fairfax County, VA

Fairfax County Recycling Program

The Office of D.C. Councilmember Mary Cheh (Ward 3)

The Office of D.C. Councilmember Tommy Wells (Ward 6)

The Office of Delegate Albert Carr (D-Montgomery County)

The Office of Delegate Adam Ebbin (D-Arlington County)

The Office of Senator Jamie Raskin (D-Montgomery County)

Interstate Commission on the Potomac River Basin

Friends of Dyke Marsh

Friends of Little Hunting Creek Watershed

Institute for Local Self-Reliance

Montgomery County Department of Environmental Protection

Implementation of Fees on Single-Use Plastic and Paper Bags in Maryland and the Commonwealth of Virginia

Synopsis

In January 2009, the District of Columbia became the first city in the nation to implement a fee on single-use disposable plastic and paper bags. The legislation, the *Anacostia River Cleanup and Protection Act of 2009*, requires stores that sell food to charge 5¢ for each plastic or paper bag distributed at the point of purchase. The store keeps 1-2¢ of the fee, and the remainder goes to a fund aimed at new efforts to restore and protect the Anacostia River. The Fund also pays for distribution of free reusable bags to low-income, elderly, and otherwise needy residents. The legislation has proven to be an incredible success. It has already significantly reduced trash littering the river and has generated more than a million dollars for river clean-up programs. Stores have reported 50-80% decreases in bag demand and this year's 22nd Annual Potomac River Watershed Cleanup (which took place 3 months after the fee took effect) reported a 66% reduction in plastic bags that make up the trash pulled from the Anacostia River. During the first six months, the DC Office of Tax & Revenue collected \$1,068,100 for the Fund.

State legislators in Maryland and Virginia have pursued similar legislative solutions. Delegate Albert Carr (D-Montgomery County) and Senators Raskin, Conway, Forehand, Frosh, Harrington, Lenett, Madaleno, Muse, Peters and Pinsky introduced the *Chesapeake Bay Restoration Consumer Retail Choice Act of 2010* in the 427th Assembly. The legislation sought to replicate the D.C. law throughout the State of Maryland and apply funds received to the *Chesapeake and Atlantic Coastal Bays Trust Fund*. This legislation received committee hearings but did not make it out of committee in either the Maryland House or Senate. In Virginia, Delegate Adam Ebbin (D-Arlington) introduced *The Virginia Waterways Clean Up and Consumer Choice Act (HB 1115)*. This legislation was tabled in committee after a hearing.

Recommended Actions:

- ❖ Secure Maryland Department of Environment Support for the Chesapeake Bay Restoration Consumer Retail Choice Act.
- ❖ Rally local organizations and constituents to seek passage of the *Chesapeake Bay Restoration Consumer Retail Choice Act* in the 428th or 429th Assembly. If state passage fails adopt a jurisdiction-by-jurisdiction approach.
- ❖ Continue working to build support for *The Virginia Waterways Clean Up and Consumer Choice Act* by building foundational grassroots support through the identification of additional allies in the Commonwealth of Virginia.
- ❖ Seek Passage of *The Virginia Waterways Clean Up and Consumer Choice Act* by 2013 developing incremental progress each year leading to passage.

Significantly Increase Composting Throughout the Potomac Watershed

Synopsis

According to national data, more than half of what we throw away is readily compostable material. Composting is an age-old technique that converts organic materials to humus, a valuable soil amendment. Compost adds needed organic matter to soil, sequesters carbon in soil, improves plant growth, reduces water use by 10%, prevents soil erosion and nutrient run-off, helps manage stormwater, avoids landfill methane and waste incinerator emissions, and reduces reliance on chemical pesticides and fertilizers. Implementing composting to a greater degree can also provide a number of economic benefits. It reduces public and private sector solid waste management costs, creates new green jobs and businesses, and diversifies the economic base. According to the Institute for Local Self-Reliance, on a per-ton basis, composting operations sustain 4 to 8 more jobs than do landfills or waste incinerators.

In the Mid-Atlantic region, the potential to expand composting is enormous. While yard trimming compost sites are well established, few facilities accept food scraps (let alone compostable food service ware). Polystyrene – resin code number six, commonly known as styrofoam – is a top source of trash in the Potomac watershed. Dozens of urban areas in the U.S. have stemmed polystyrene trash by banning polystyrene in food service ware while allowing only reusable or compostable materials. In the Mid-Atlantic, restricting polystyrene will be hampered without an adequate composting infrastructure.

To expand composting, a number of obstacles must be overcome. These include financing, siting, transportation and collection, and permitting. In Maryland, for instance, the Department of Environment permits “natural wood waste recycling” facilities while the Department of Agriculture regulates compost products and facility operators. No agency regulates food waste composting. In Virginia, compost facilities must meet the same regulations as landfills. Working with nonprofit organizations and industry associations – such as the Mid-Atlantic Composting Association and the Virginia Composting Council – state, county, and local elected officials can implement comprehensive policies to expand composting.

Recommended Actions:

- ❖ Develop and pass legislation in the State of Maryland that will permit composting facilities to accept food waste. Legislation could also include tax incentives attractive to private industry encouraging industry growth throughout the state and the District of Columbia metropolitan area.
- ❖ Seek passage of legislation similar to the District of Columbia's *Healthy Schools Act* in Maryland and Virginia. The legislation encourages recycling and composting in public schools and provides financial incentives to school vendors to reduce the amount of waste created in public schools.
- ❖ Encourage local jurisdictions to adopt composting in public agencies and institutions by enacting composting procurement policies, purchasing compostable foodservice ware and establishing food waste composting programs.
- ❖ Launch a campaign to have Doug Domenech, Secretary of the Virginia Department of Natural Resources, to approve the proposed amendments to the Virginia Solid Waste

Management Regulations and forward them to Governor McDonnell with a recommendation that he authorize their publication in the Virginia Register. The composting industry in Virginia has been closely involved with the Virginia Department of Environmental Quality in drafting these amendments that would facilitate permitting of composting operations.

- ❖ Ban the disposal of yard trimmings at landfills and incinerators.
- ❖ Support a region-wide ban on the set out of yard trimmings in noncompostable plastic bags.

Increased Sustainability in Food Service Products

Synopsis

Single-use disposable food service items make up a significant percentage of the waste stream in the Potomac River Watershed. Included among these products are containers made from polystyrene foam (resin code number six, commonly known as styrofoam). Polystyrene is made from the monomer styrene, which is a known neurotoxin and a suspected human carcinogen. According to a 2000 World Health Organization report, the ability of styrene to migrate from polystyrene packaging to food has been reported in a number of publications. Because polystyrene has limited ability to be recycled, cannot be composted, contributes to litter, has a toxic production process, and poses a health threat to those who use it, many cities in the U.S. have now restricted its use in food service ware applications.

Styrofoam is a significant source of pollution in the Anacostia and Potomac River Watersheds. In fact, the *Anacostia River Trash Reduction Plan* found that styrofoam containers and products account for 17% of floatable trash products found in the river and its tributaries. The study also found that styrofoam products account for nearly 10% of land-based litter in the Anacostia River Watershed. Polystyrene products do not biodegrade in the aquatic environment and may persist for hundreds of years leading to the unsightly collection of significant trash along river shorelines. In addition, polystyrene products fragment into smaller pieces that are commonly mistaken for food by aquatic life leading to starvation and disruption in physiological processes. Legislative policy designed to encourage use of more sustainable and biodegradable products is needed throughout the region to decrease the use of styrene-based products. Such policy will safeguard the region's citizens and environment from the adverse public health and environmental effects of styrene production and use.

Recommended Actions:

- ❖ Pursue adoption of legislative policy at state and local levels that will incentivize the use of reusable or compostable food service ware within the watershed. States can require large state-run institutions and agencies to first adopt safer alternatives followed by implementation on a larger scale.
- ❖ Work with local governments to pursue styrofoam bans in local jurisdictions throughout the watershed. 40 communities in the United States have already enacted such bans with additional jurisdictions like Chicago and New York City also considering such policy. There are only two jurisdictions on the East Coast with policies restricting polystyrene: Freeport, Maine, and Takoma Park, Maryland. The City of Takoma Park's resolution bans use of city funds to purchase polystyrene food service.

Increased Litter Collection and Enforcement Policies

Synopsis

Local and state jurisdictions throughout the region have in place laws designed to decrease littering and illegal dumping. Despite this fact, litter continues to enter the watershed either through polluted runoff or through illegal dumping occurring in remote locations unseen by enforcement agencies. More can be done to limit the amount of trash and debris entering our aquatic resources while keeping these resources open and available to the public. Additional legislative policies designed to provide incentives for trash removal and reduce trash at its source are needed to further safeguard our aquatic habitats.

Recommended Actions:

- ❖ Pursue adoption of legislative policy at the local level that incentivizes removal of commonly discarded items such as tires, mattresses and other materials. For example, in 2009 Shelby County, Tennessee, adopted an ordinance that provides residents \$1 for each discarded tire collected from vacant lots and blighted areas of South Memphis. Similar legislation could be implemented throughout the watershed with receiving stations placed at waterside parks to encourage the practice while limiting abuse. This would reduce litter and provide financial incentives for low-income residents.
- ❖ Pursue adoption of policies that require businesses selling automobile tires to register with their local jurisdiction. These businesses would be subject to inspection to ensure compliance with environmental laws regarding proper disposal. Registration fees could be collected to fund inspection and compliance activities including the hiring of additional enforcement officers. Funds could also be used for additional environmental remediation programs throughout the jurisdiction.
- ❖ Increase resources provided to trash collection in all jurisdictions throughout the watershed both in terms of pickup and enforcement. Sources of revenue could include the imposition of fees on commonly discarded items such as tires, mattresses and cigarettes, to name a few.
- ❖ Include placement of exterior ashtrays or “smoker stations” with alcohol license compliance. This will lead to significant reduction in cigarette litter given recently enacted indoor smoking bans.

Passage of Container Deposit Bills in the District of Columbia, Maryland and the Commonwealth of Virginia

Synopsis

Container deposit laws have been shown to significantly reduce litter in the natural environment while providing a source of additional revenue for low-income residents. Deposit laws currently exist in 11 U.S. states and have been shown to ensure a high rate of recycling or reuse by requiring a minimum refundable deposit on beer, soft drink and other beverage containers. The consumer pays the deposit to the retailer when buying the beverage. When the consumer returns the empty beverage container to the retail store, to a redemption center, or to a reverse vending machine, the deposit is refunded. The retailer recoups the deposit from the distributor, plus an additional handling fee in most U.S. states. The handling fee, which generally ranges from 1-3 cents, helps cover the cost of handling the containers. Many interests in the bottling industry are reflexively opposed to the implementation of additional bottle bills due to the perception that they add significant costs to operations. Implementing legislation will require a broad base of support and an element of attraction to private industry to encourage support or, at the very least, neutrality.

Deposit laws need not have negative economic impact on bottlers or distributors. In fact, GAO studies have shown that revenues realized from deposit laws would likely exceed costs. Costs to distributors and bottlers can be offset by the sale of scrap cans and bottles and by allowing distributors to retain a percentage of the deposit that would otherwise be provided to the consumer. Further incentive could be created by allowing the distributor to make short-term investments with their portion of deposits thereby increasing capital gains. In addition, distributors and bottlers can see profits on beverage containers that consumers fail to return for the refund. These "unclaimed" or "unredeemed" deposits can either remain the property of the distributors or can be returned to the state for environmental cleanup programs. Any or all of these options could encourage acceptance and buy-in by private industry. Whatever the vehicle, a container deposit law is greatly needed in the the Potomac and Anacostia River Watersheds as bottles make up a majority of the discarded litter. In fact, the Anacostia River Trash Reduction Plan found that bottles accounted for approximately 35% of litter found in the watershed.

Recommended Action:

- ❖ Pursue passage of container deposit bills covering a wide range of beverages in the District of Columbia, Maryland and the Commonwealth of Virginia