

# **Montgomery County Recycling Plan for Publicly Funded Colleges and Special Schools**

**June 2010**



**Prepared by:  
Montgomery County Department of Environmental Protection  
Division of Solid Waste Services  
101 Monroe Street, 6<sup>th</sup> Floor  
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**Montgomery County Recycling Plan for  
Publicly Funded Colleges and Special Schools  
June 2010**

**Background and Purpose**

Pursuant to House Bill 1290 of 2009 (the Schools Recycling Law) a recycling plan governing all schools in the Montgomery County Public Schools (MCPS) was developed by the MCPS. That plan is available under separate cover, entitled Montgomery County Public Schools Recycling Action Plan. Pursuant to a recent finding of the Maryland Department of the Environment (MDE), Office of the Attorney General, there are additional schools, not part of the MCPS system, subject to a Schools Recycling Plan. This Montgomery County Recycling Plan for Publicly Funded Colleges and Special Schools, prepared and adopted pursuant to the Schools Recycling Law, provides the complement to the MCPS Plan.

This Montgomery County Recycling Plan for Publicly Funded Colleges and Special Schools was developed by, and will be implemented by, the Montgomery County Department of Environmental Protection (DEP).

**Section 1. Schools Covered By This Plan**

This Section identifies the specific schools and campuses that are governed by this Recycling Plan.

In May, 2010, the MDE provided guidance, stating:

“The Office of the Attorney General has determined that specifying that all County public grade schools, colleges, and trade schools that receive county funding are covered by the law. In addition, schools that are operated and funded primarily by the State and that are generally recognized as ‘state schools’ do not become subject to § 9-1703(b)(10) of the Environment Article, Annotated Code of Maryland by receiving some funding from county sources” (Appendix A).

Table 1 identifies all schools operating in Montgomery County that meet these criteria but not covered by the Montgomery County Public Schools Recycling Action Plan, 2010. All schools listed in the table are covered by this Montgomery County Recycling Plan for Publicly Funded Colleges and Special Schools. This list is comprised of twenty special schools that receive County funding plus the three Montgomery College campuses.

**Table 1**

**SCHOOLS COVERED BY THIS PLAN**

**Colleges**

<b>Montgomery College -- Rockville Campus</b> 51 Mannakee Street, Rockville 20850	<b>Montgomery College -- Germantown Campus</b> 20200 Observation Drive, Germantown 20876
<b>Montgomery College -- Takoma Park Campus</b> 7600 Takoma Avenue, Takoma Park 20912	

**Nonpublic Special Schools**

<b>Chelsea School</b> 711 Pershing Drive, Silver Spring 20910 Grades 5 through 12	<b>Community School of Maryland</b> 21515 Zion Road, Brookeville 20833 Nongraded (Ages 2 through 21)
<b>Community School of Maryland at Northwood High School</b> 919 University Blvd. West, Room C-203 Silver Spring 20901 Nongraded (Ages 14 through 21)	<b>Forbush School at Oakmont Lower School</b> 17051 Oakmont Avenue, Gaithersburg 20877 Type I full day Special Education and related services program for students with autism in an Elementary School (Grades 1 through 8) and a Nongraded (Ages 5 through 15)
<b>Forbush School at Oakmont Upper School</b> 610 East Diamond Avenue, Suite E Gaithersburg 20877 Nongraded (Ages 12 through 21)	<b>Foundation School of Montgomery County</b> 220 Girard Street, Suite 300, Gaithersburg 20877 Grades 3 through 12
<b>Frost School</b> 4915 Aspen Hill Road, Rockville 20853 Grades 1 through 12	<b>Greentree School</b> 6301 Greentree Road, Bethesda 20817 Grades 7 through 12, and GED Test Preparation Program
<b>Ivymount School</b> 11614 Seven Locks Road, Rockville 20854 Grades 2 - 9 and Nongraded (4 - 21)	<b>Katherine Thomas School</b> 9975 Medical Center Drive, Rockville 20850 Nursery School (Age 4), Kindergarten, and Grades 1 through 12
<b>Kennedy Krieger School</b> 12301 Academy Way, Rockville 20852 Grades 3 through 8 and Nongraded (Ages 11-21)	<b>Lourie Center School</b> 12301 Academy Way, Rockville 20852 Nursery School (Age 4), Kindergarten, and Grades 1 through 5
<b>Marcia D. Smith School</b> 9075 Comprint Court, Gaithersburg 20877 Type I full day and Residential Special Education and related services in a Nongraded (Ages 16 through 21) program	<b>Montgomery Primary Achievement Center</b> 10611 Tenbrook Drive, Silver Spring 20901 Nursery School (Ages 3 and 4)
<b>Montgomery Primary Achievement Center</b> 205 South Summit Avenue, Gaithersburg 20877 Nursery School (Ages 2, 3, and 4)	<b>National Children's Center School</b> 410A University Boulevard West, Silver Spring 20901 Nongraded (Ages 12 through 21)
<b>Pathways School -- Northwood</b> 1200 University Boulevard West, Silver Spring 20902 Grades 9 through 12	<b>Pathways School -- Springville Re-Entry</b> 2601 University Boulevard West, Third Floor Wheaton 20902 Grades 9 through 12
<b>Pathways School -- Edgewood</b> 801 University Boulevard West, Silver Spring 20901 Grades 9 through 12 and Nongraded (Ages 15 through 21)	<b>Ridge School of Montgomery County</b> 14901 Broschart Road, Rockville 20850 Grades 6 through 12

In addition to the schools listed in Table 1, any County public grade school, college, or trade school, whether receiving County funding or not, is governed by Section 3 of Executive Regulation 15-04AM, the County's recycling regulation (see Appendix B).

## **Section 2. The Plan In Overview**

This Section provides a detailed description of the recycling plan for these schools including what materials will be recycled, how the materials will be collected, and how the County will assure that the materials collected for recycling are recycled and not disposed.

Executive Regulations 15-04AM and 18-04 (“ER15-04AM” and “ER18-04”) form the backbone of this Plan. These regulations implement a comprehensive and practical strategy developed by the County in 2003-2004, to make uniformly mandatory, across all categories of waste generators and property types, recycling rather than disposal of a range of materials for which recycling markets have proven reliable.

ER15-04AM applies principally to waste generators. Under ER15-04AM, owners and managers of all real properties are held responsible, as waste generators, for assuring the recycling, rather than disposal, of recyclable materials generated by their properties. A coherent set of provisions in the rule make the approach practical for the waste generators and enforceable by the County. Executive Regulation 18-04 (ER18-04) defines the complementary role of private sector haulers and collectors in the recycling strategy, assuring, for example, that recyclable materials separately set out by waste generators for recycling collection, are actually delivered to a recycling facility.

Under the County’s recycling strategy, schools are already governed as waste generators under the provisions of ER15-04AM, however, if the school has fewer than 100 employees, it is not required to submit to DEP an annual waste reduction and recycling report unless DEP requests it, in writing, to do so. Under this Montgomery County Recycling Plan for Publicly Funded Colleges and Special Schools, the DEP will opt to require annual submission of waste reduction and recycling reports from each subject school regardless of size, according to the schedule described below. Accordingly, DEP will institute enhanced monitoring and oversight of these schools to assure compliance with all County recycling program requirements.

### **2.1 Materials To Be Recycled**

Montgomery County Executive Regulation 15-04AM requires the following materials to be recycled and not disposed: aluminum cans and foil products; bi-metal cans; glass bottles and jars; plastic bottles; yard waste (leaves, grass, garden trimmings, and brush); Christmas trees; scrap metal; and mixed paper. Mixed paper has the meaning given in ER15-04AM, Section 1(j), essentially all types of clean, dry paper.

### **2.2 How The Materials Will Be Collected**

Under ER15-04AM, Section 3(c)(7), the school must place containers for all required recyclable materials in adequate size and quantities in each location where trash containers are located, and must clearly label each container to indicate the appropriate materials(s) to be placed inside for recycling. Most of the schools in Table 1 are special schools. DEP will work with the operators of these special schools to assure that the intent of this requirement is satisfied.

Under ER15-04AM, Section 3(c)(10), the schools may contract for collection or self-haul, however, schools that choose to contract for collection services must use a County-licensed collection company and maintain for County inspection a copy of the Collector's license. Schools that self-haul, must maintain records proving where they took their materials and individual tonnages involved, and must include this information in their annual reports to the DEP. Receipts and/or other proof of quantity recycled may be substituted only in the event that scale house tickets are unobtainable.

### 2.3 How The County Will Assure That Materials Collected For Recycling Are Recycled

As noted, schools, as waste generators, are subject to ER15-04AM. Collectors are subject to Executive Regulations 15-04AM, 18-04, and 58-92AM.

Section 2(a) of ER15-04AM requires collectors to separately collect waste set out for disposal from materials set out for recycling collection, and that if the same vehicle is used for both types of collection (e.g. split body), then the separation must be maintained during collection, transportation and off-loading at respective disposal and recycling facilities. Sections 3(c) and (d) of that regulation stipulate that haulers, collectors and other persons must deliver recyclables acceptable for recycling only to recycling facilities, and that no hauler, collector or other person may deliver for disposal to any solid waste acceptance facility any solid waste that is acceptable for recycling.

Section 3(c)9(A) of ER15-04AM states that if the collector determines that the recyclable materials set out for recycling collection are not acceptable for recycling, then the collector must so inform the school and send a copy to the DEP.

Under ER 58-92AM, licensed collection companies are required to report where, how much, and what types of materials they haul, to certify as to the accuracy of the report, and to maintain supporting records (e.g. scale tickets) for inspection by the County. DEP reviews, tabulates, and randomly field-audits those reports. Recycling processors report to the MDE, on a calendar year basis, the tonnages recycled ("State Processor Reports") and these reports are shared with the Montgomery County DEP.

Together, these provisions assure that materials set out for recycling collection are transported only to recycling facilities, not disposal facilities.

### **Section 3. Schedule For Implementation Of The Plan**

This Section describes the schedule that will be followed by the County for recycling in the schools governed by this Plan.

As discussed, Executive Regulations 15-04AM and 18-04 are the backbone of this Plan. Both regulations became effective February 8, 2005. Thus, the DEP has several years experience with their implementation which is largely responsible for the County's recycling success. Montgomery College already filed the required recycling plans under ER15-04AM, and each of

its three campuses qualifies separately as a large business, and each already filed Annual Reports under Section 3(c)(6) of the regulation. DEP has already visited most of the nonpublic special schools listed in Table 1 to provide technical assistance in support of their recycling programs. Going forward, the following schedule of additional activities will apply.

Within one year of State approval of an amendment to the County's Ten Year Comprehensive Solid Waste Management Plan adopting this Montgomery County Recycling Plan for Publicly Funded Colleges and Special Schools, the DEP will, pursuant to Section 3(c)(5)(A)(2) of ER15-04AM, request each of the Nonpublic Special Schools listed in Table 1, to prepare, within sixty (60) days of said request, a waste reduction and recycling plan demonstrating how the school will recycle or reduce the amount of solid waste going to disposal facilities by 50% annually, by volume or weight. The contents of the plan must be in accordance with Section 3(c)(5)(C) of ER15-04AM.

There may be additional schools that are not part of the MCPS system which may become operational in the future. Within thirty (30) days of becoming operational, any new public grade school, college, or trade school in the County must comply with Executive Regulation 15-04AM, the County's recycling regulation.

Within one year of becoming operational and receiving County funding, any new grade school, college or trade school will be requested by the County DEP, under the authority of Section 3(c)(5)(A)(2) of ER15-04AM, to prepare, within sixty (60) days of such request, a waste reduction and recycling plan demonstrating how the grade school, college, or trade school will recycle or reduce the amount of solid waste going to disposal facilities by 50% annually, by volume or weight.

#### **Section 4. Monitoring And Assurance Of Continuous School Participation**

This Section identifies the system to be followed for monitoring the program that identifies areas of improvement and ensures continuous school participation in the program. It includes steps to be taken if schools are not participating in the program and contingencies to assure against problems with contract collectors.

##### **Section 4.1 Monitoring and Reporting**

The County DEP is already assisting several of the schools listed in Table 1 to develop recycling programs, and as noted above, the Montgomery College is already subject to, and satisfying, all planning and reporting requirements of ER15-04AM.

In order to monitor the program to identify areas of improvement and ensure continuous school participation in the program, each of the Nonpublic Special Schools listed in Table 1 will be required, under the authority of ER15-04AM, to report annually to the County DEP. The scope of those annual reports will be in accordance with Section 3(c)(6)(C) of ER15-04AM. The reports must include, among other things:

- Total annual tonnages of waste generated and recycled,
- Name and phone number licensed collector responsible for collecting materials to be recycled, and
- Where those materials are taken to assure recycling.

Those Annual Reports will be reviewed, field verified and audited by the DEP through onsite evaluation.

Likewise, any additional non-MCPS schools that become operational in the future will be required, under the authority of ER15-04M, to prepare a plan and to report annually to the County DEP as discussed in Section 3. This will aid the County DEP in monitoring the program and identify areas of improvement to ensure continuous school participation in the program. These Annual Reports will be reviewed, field verified and audited by the DEP through onsite evaluation.

#### Section 4.2 Enforcement

Montgomery County Executive Regulations 15-04AM and 18-08 may be enforced in accordance with Montgomery County Code 1994, amended, Section 48-49. DEP will exercise proactive enforcement of all provisions of Executive Regulation ER15-04AM applicable to the schools subject to this Plan. Similarly, with respect to waste collectors serving those schools, DEP will exercise proactive enforcement of ER18-04, which complements ER15-04AM to affect a ban on the disposal of recyclable materials.



**Appendix A**  
**Maryland Department of the Environment (MDE)**  
**Recycling Unit**

**Minimum Requirements for Environment – Recycling – Public School Plans  
(House Bill 1290)**

The intent of § 9-1703(b)(10) is to require recycling in public schools. The specifics of a County's strategy for recycling in public schools should include answers to who, what, when, where, and how the strategy will be implemented. Included in the strategy, if necessary, falls the obligation to make appropriate delegations of these responsibilities within the County government structure. The Solid Waste Management Plan's Public School Plan should:

1. Provide a detailed description of the public school recycling program being developed, including what materials are to be recycled, how the materials will be collected, and how the materials will be marketed.
2. Define the roles and responsibilities of the stakeholders involved in the program development and the program.
3. Identify the public schools included in the program. The Office of the Attorney General has determined that all County public grade schools, colleges, and trade schools that receive county funding are covered by the law. In addition, schools that are operated and funded primarily by the State and that are generally recognized as "state schools" do not become subject to § 9-1703(b)(10) of the Environment Article, Annotated Code of Maryland by receiving some funding from county sources.
4. Provide a roll out schedule for the development and the program.
5. Identify a system for monitoring the program to identify areas of improvement and ensure continuous school participation in the program. Include contingency plans for contractor issues and steps to be taken if schools are not participating in the program.

Please note that § 9-1703(g) of the Environment Article, Annotated Code of Maryland requires that a county revise its recycling plan **by October 1, 2010**, to address the requirements of subsection (b)(10) of this Section. Also, §§ 9-503(c) and (d) of the Environment Article and Code of Maryland Regulations 26.03.03.05C require public hearing procedures for amendments to these county plans. There have been cases where amendments to the plans were invalidated because of a county's failure to go through the public hearing process. MDE can not require that Counties violate any State law or regulation, or County law, policy, or procedure when adopting plan revisions.

QUESTIONS: Call Tariq Masood at 410-537-3326 or Dave Mrgich at (410) 537-4142.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

Montgomery County regulation on:

SOLID WASTE AND RECYCLING

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

REGULATION

Issued by: County Executive  
Regulation No. 15-04AM  
COMCOR 48.00.03, Solid Waste and Recycling, Chapter 48

Authority: Montgomery County Code, 1994, Sections: 48-6, 48-24 and 48-51  
Supersedes: Regulation 109-92AM  
Council Review: Method (1) under Code Section 2A-15  
Register Vol. 21 No. 9

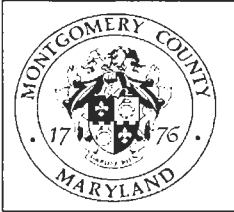
Effective Date: February 8, 2005  
Sunset Date: None

Summary: The proposed regulation describes the residential recycling requirements for single-family and multi-family dwellings (including reporting requirements for multi-family property owners), nonresidential recycling and reporting requirements, and recycling requirements for collectors of solid waste and recyclable materials.

Comment deadline: September 30, 2004  
Effective date:

Address for comments: Director, Department of Public Works and Transportation  
Executive Office Building  
Tenth Floor  
101 Monroe Street  
Rockville, Maryland 20850

Staff contact: Eileen Kao, Recycling Coordinator  
240-777-6400



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

**Background Information:**

Bill 109-92AM, Solid Waste -- Recycling, was enacted on March 23, 1992, with an effective date of January 13, 1994. The County Comprehensive Solid Waste Management Plan for the years 1998 - 2007 was adopted by Council Resolution 13-418, adopted August 4, 1998, and was reconsidered, amended, and re-adopted by Council Resolution 13-1418 dated October 6, 1998, respectively. These regulations are to further update the provisions of Bill 109-92AM and implement the Solid Waste Management Plan.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

**Section 1. Definitions. Terms defined herein are for purposes of this Article only.** The terms used are as defined in Chapter 48 of the Montgomery County Code and as defined in this section:

- (a) **“Acceptable”** means items which conform to prevailing and customary standards of existing recycling markets.
- (b) **"Business"** means any enterprise, individual, corporation, partnership (limited or general), sole proprietorship or other entity or person, including institutions, health care facilities, construction sites, the Federal Government and other government agencies, to the extent authorized by law.
- (c) **“Commingled materials”** mean acceptable items such as aluminum cans and foil products, bi-metal cans, glass bottles and jars, and plastic narrow neck bottles, which are not separated by type, but are mixed together in one container.
- (d) **“Department”** means Montgomery County Department of Public Works and Transportation.
- (e) **“Director”** means Director of the Montgomery County Department of Public Works and Transportation.
- (f) **“Disposal facility”** means the Montgomery County Transfer Station or any other location operated by the County where solid waste is taken for disposal.
- (g) **“Employee”** means any person working on-site 20 or more hours per week directly for the business or for an entity affiliated with the business; and any person working on-site for the business or an entity affiliated with the business as an agent or independent contractor for more than six months in any calendar year.
- (h) **"Generator"** means the owner or occupant of any dwelling unit where solid waste is generated, and the owner or occupant of any other business, entity or institution at, from, or by which solid waste is generated.
- (i) **"Market"** means any business that receives processed or unprocessed source separated or commingled recyclable solid waste and utilizes the material as a finished product or as a raw material for a manufacturing process.



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- (j) **"Mixed paper"** means acceptable paper items which are not separated by type, but are mingled and collected together. These items include white paper, colored paper, corrugated cardboard, boxboard, newspapers and inserts, magazines, catalogs, telephone directories, paperback books, unwanted mail, and other clean, dry paper.
- (k) **"Recyclables"** means those materials in the solid waste stream which are collected, separated, processed and returned to the economic mainstream in the form of raw materials or product for reuse.
- (l) **"Recycling"** means any process by which materials are diverted from the solid waste stream and are collected, separated, processed and returned to the economic mainstream in the form of raw materials or product for reuse.
- (m) **"Recycling plan"** means a plan describing a program for source reduction and recycling.
- (n) **"Scrap metal"** means acceptable items consisting of metal and/or predominantly metal materials. These items include washers, dryers, refrigerators, air conditioners, dishwashers, sinks, stoves, freezers, furnaces, hot water heaters, trash compactors, iron furniture, doors, cabinets, humidifiers/dehumidifiers, bikes, swing sets, aluminum lawn chairs, shower stalls, and disassembled metal sheds.
- (o) **"Solid waste stream"** means solid waste as defined in Chapter 48-1 of the Montgomery County Code from the point of generation to disposal.
- (p) **"Sorted"** means a category of recyclable materials which are further separated into sub-categories or groupings in preparation for recycling. For example, generators may separate paper by grade or type.
- (q) **"Source separation"** means the process of separating recyclables from the solid waste stream at the point of generation and placing them into containers or arranging them in a manner specified by the County or by a valid collection contract for reuse or recycling.
- (r) **"Unavailable"** means non-existent.
- (s) **"Unit"** means housing unit.



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(t) **"Waste reduction /source reduction"** means reducing the amount of waste generated at the source or point of generation.

(u) **"Yard trim"** means leaves, grass, garden trimmings and brush.

## **Section 2. Waiver from these Regulations, subject to the requirements of 48-3(c) of the Montgomery County Code**

(a) The Director may grant temporary or permanent waivers from participation in the recycling program to individuals who are physically impaired and who are not reasonably able to undertake the activities required by this regulation.

(b) The Director may also grant a temporary partial waiver for all generator categories for particular materials which would otherwise have to be recycled where markets for these materials are unavailable.

(c) Persons or entities for whom compliance with Section 3 subsection (b) and subsection (c) herein would be an unreasonable hardship may apply to the Director for a temporary or permanent waiver in a manner prescribed by the Director.

(d) For entities subject to recycling plan or report requirements, a request for a waiver must be submitted with the recycling plan and/or annual report. If the plan/report has already been filed, the request must accompany an amended plan/report. If the request for a waiver is denied, the plan and/or annual report must be resubmitted within 30 days from the date of denial, to include the materials for which a waiver was sought unless a plan and/or annual report on file already addresses those materials. Those persons or entities requesting a waiver must specify the materials requested to be waived from recycling requirements, the duration of the requested waiver, reason(s) for the request at the time they submit it, and include any documentation necessary to justify a waiver.



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<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

- (1) The Director must consider the following criteria in granting a waiver:
  - (A) The unavailability of markets for the material identified;
  - (B) Extreme financial hardship due to significant disparity between the costs of recycling an identified material and the costs of disposal of that material; or
  - (C) The unavailability of an on-site or proximate off-site location to prepare and store materials for recycling.

### Section 3. Solid Waste Reduction and Recycling Program

(a) **Single-family residential recycling program, including dwellings having 6 or fewer dwelling units.**

- (1) Recycling services areas.
  - (A) The entire County is a recycling service area for the collection of mixed paper; commingled materials; yard trim; Christmas trees; and scrap metals.
  - (B) Recycling service sub areas are designated on a map maintained by the Department and available upon request. All residents provided County recycling service must recycle in accordance with these regulations, Chapter 48 of the Montgomery County Code (1994), as amended, and the schedule for their recycling service sub area maintained and publicized by the Division of Solid Waste Services.
- (2) Preparation of material for recycling collection.
  - (A) Mixed paper. Mixed paper must be separated from other solid waste and placed in wheeled carts provided by the County, in paper bags, in small cardboard boxes or tied with string strong enough to support the weight of the bundle and prevent dispersion. The total weight of each bag, box or bundle must not exceed 45 gallons in volume and 60 pounds in weight. A County supplied wheeled cart does not have a weight limit and can have up to a 100 gallon capacity. Mixed paper contaminated by garbage or other putrescible material must not be included for recycling.



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- (B) Commingled materials. All commingled materials must be separated from other solid waste and placed in a County approved container. Lids, tops, and any loose food or liquid must be removed.
- (C) Yard trim. Grass and leaves must be placed in containers or large paper bags labeled "yard trim". Containers or bags must not exceed 45 gallons in volume and 60 pounds by weight. Brush must not exceed 4 inches in diameter and 6 feet in length, and must be placed in labeled containers or paper bags or tied in bundles no greater than 36 inches in diameter. Plastic bags must not be used to contain any yard trim or Christmas trees. Christmas trees must have all ornaments and metal objects removed.
- (3) Collection requirements.
- (A) Location. Materials to be recycled must be placed within 10 feet of the publicly maintained right-of-way closest to the dwelling. Materials must not be placed in a manner that interferes with parking or vehicular and pedestrian traffic.
- (B) Alternate location. Residents for whom placement in accordance with paragraph (A) would be a hardship may apply to the Director for permission to use an alternate location. The Director may set a time limit on any permission granted. Any recycling container used at an approved alternate location must be identified, as provided by the Director, and must be visible from the publicly maintained right-of-way.
- (C) Time limit. Materials prepared for recycling must be set out for collection no earlier than 5:00 p.m. before the designated day of collection, and no later than 7:00 a.m. on the designated day of collection. Recycling containers must be removed from the collection location no later than 5:00 p.m. the day after that designated for collection.
- (D) Litter. Owners and occupants are responsible for keeping the area around recycling containers litter free.





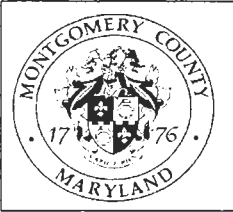
# MONTGOMERY COUNTY EXECUTIVE REGULATION

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<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

(b) **Multi-family residential recycling program - Buildings with 7 or more dwelling units.**

- (1) Applicability. This section is applicable to all generators, property owners, property managers, whether individuals or entities, and common ownership associations, including boards of condominium associations and cooperative housing projects (as those terms are defined in state law) of multi-family dwelling units that have 7 or more units (“multi-family entities”). This section is not applicable to facilities receiving collection as described in (a) or to businesses covered under (c).
- (2) Multi-family entities and residents must recycle. Materials which are required to be recycled are: mixed paper; commingled materials; yard trim; Christmas trees; and scrap metal items. Persons or entities covered by this section are encouraged to recycle any other materials for which there is a viable market.
- (3) Plan and report requirements.
  - (A) Designation of responsible agent. Multi-family entities subject to this section must designate an agent responsible for carrying out the plan and report requirements of this section. In the case of multi-family dwelling units covered by a common ownership association, the association representative, as listed in the Office of Common Ownership Properties, is responsible. In the case of leased units or facilities, the property owner or representative, as listed with the Montgomery County Office of Landlord and Tenant Affairs or as confirmed through other sources, is responsible.
  - (B) Waste reduction and recycling plan.
    - 1. Who must submit. Multi-family dwellings having 101 or more units must submit a waste reduction and recycling plan demonstrating how the entity will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, for each facility. Multi-family dwellings having 100 or fewer units must submit a waste reduction and recycling



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

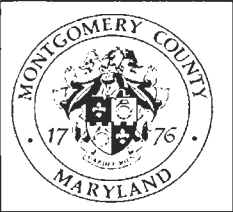
<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

plan demonstrating how the entity will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, within 60 days from receipt of a written request for a plan from the Department.

2. Contents of plan. The plan must be submitted on forms provided by the Department and must include, at a minimum, description of facility by type; name, address, and telephone number of contact person responsible for on-site recycling program; list of materials to be recycled; name and address of person/collection company providing recycling collection service; sites where materials are delivered; and description of waste reduction activities.

(C) Annual report on waste reduction and recycling activities.

1. Who must submit. All multi-family entities having 101 or more units must prepare and submit to the Department, on or before February 1 of each year, an annual waste reduction and recycling report for each facility covering the previous calendar year. Multi-family entities having 100 or fewer units must prepare and begin submission of initial annual waste reduction and recycling reports within 60 days from receipt of a written request for reports from the Department. From that time forward, each year, all of these entities must prepare and submit to the Department on or before February 1 annual waste reduction and recycling reports covering the previous calendar year.
2. Contents of report. The annual report must be submitted on a form provided by the Department and must include tonnages of materials collected for recycling and for solid waste disposal, and any changes from the approved recycling plan required under Section 3(b)(3)B(2) of this regulation. If recyclable materials are self-hauled to a recycling facility, the multi-family entity must obtain scale house tickets and provide these as documentation of quantity recycled for reporting requirements. Only in the event that scale house tickets are not obtainable, may receipts and/or



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other proof of quantity recycled be substituted. The annual report must also include a description of the multi-family entity's efforts to educate tenants, residents and/or employees about its recycling program.

3. Review Process. Annual reports will be reviewed, field verified and audited by the Department through on-site evaluation.
- (4) Certification. All reports and plans must be signed by a person authorized to bind the multi-family entity, and must certify that the information is correct to the best of his or her knowledge. Examples of authorized persons include the property owner or responsible agent.
- (5) Verification of information. Multi-family entities must maintain, and make available, upon request, to the Department for inspection and copying during normal business hours, any contracts and invoices for collection and disposition of materials to be recycled for a period covering the most recent five (5) years. Contract prices and other such financial information may be deleted from the materials provided.
- (6) Containers. Containers for all required recyclable materials in adequate sizes and quantities must be placed in each location where trash containers are located, and must be clearly labeled to indicate the appropriate material(s) to be placed inside for recycling. All containers must be located within reasonable and convenient proximity to all dwelling units, and to any offices, clubhouses, recreation facilities, and other uses on-site. In addition, wherever vending machines dispensing products in recyclable packaging are located, recycling containers for those materials must be located in close and convenient proximity.
- (7) Property Owner of Multi-family Properties. Property owners of multi-family entities must make recycling collection service and storage space for recyclable solid waste available to tenants in compliance with these regulations and Section 48-24 of the Montgomery County Code.



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(8) Collectors Servicing Multi-Family Entities.

(A) Collectors must collect and deliver to a recycling facility materials that have been source separated from the solid waste stream, unless the recyclable materials are not acceptable. If a collector determines that the recyclable materials are not acceptable then the collector must inform the generator or responsible agent in writing using a form designated by the County, keep a copy on file, and send a copy to the Department. The collector must indicate the name of the property, name of the responsible agent notified, date, time, address, the nature of the problem and suggested remedy and specify a collector contact name and phone number for additional information.

(B) Collectors must provide a copy of their current Montgomery County Collector's License to each customer at least once annually, and must keep a copy of such notice and the date provided to its customer in their business records. If a copy has not yet been provided and a customer requests one, the collector must provide the customer with a copy of its license within 3 business days.

(9) Contract Services.

(A) A multi-family entity, when contracting for collection service of recyclable materials must use a currently licensed collection company that has a license to collect and transport recyclable solid waste in the County ("Licensed Collector").

(B) A multi-family entity contracting for collection services with a Licensed Collector must maintain for inspection a copy of the Licensed Collector's license. A property manager or responsible agent must produce a copy of the license upon request by the Department within 3 business days.



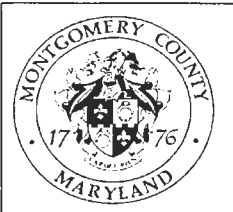
# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
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(c) **Commercial recycling and waste reduction program –  
Generators/Businesses.**

- (1) Business Size. For the purposes of this subsection (c), businesses are classified into the following size categories:  
Large businesses. All businesses with 250 or more employees.  
Medium-sized businesses. All businesses with 100-249 employees.  
Small businesses. Businesses with fewer than 100 employees.
- (2) Applicability. This section applies to all generators and businesses, which must recycle the materials described in Section 3(c)(3) herein. All businesses in Montgomery County must comply with these recycling regulations within 30 days of operating within the County.
- (3) Businesses and employees must recycle. Materials required to be recycled by businesses are: mixed paper or sorted paper; commingled materials (which may be sorted); yard trim; Christmas trees; and scrap metal items. Businesses are encouraged to recycle any other materials for which there is a viable market.
- (4) Verification of information. Businesses must maintain, and make available, upon request, to the Department for inspection and copying during normal business hours, any contracts and invoices for collection and disposition of materials to be recycled for a period covering the most recent five (5) years. Contract prices and other such financial information may be deleted from the materials provided.
- (5) Requirement for a waste reduction and recycling plan.
  - (A) Applicability.
    1. Large and medium-sized businesses. All large and medium-sized businesses must prepare a waste reduction and recycling plan demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight.



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2. Small businesses. Small businesses must prepare a waste reduction and recycling plan demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, within 60 days from receipt of a written request for a plan from the Department.
3. Property owner of multi-tenant facilities. Owners of multi-tenant facilities must file a waste reduction and recycling plan covering facilities in their entirety, and including information for all tenants, demonstrating how the businesses will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight.
4. Multiple Business Locations. Each business required to submit a plan and/or report for multiple locations in the County may submit a single plan and/or report to cover multiple locations, or may submit an individual plan and/or report for each separate location demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, in compliance with these regulations. Any plan and/or report covering multiple locations must list each property address subject to it, and each location covered by the plan and/or report must maintain a copy of the plan and/or report on the premise.

(B) Plan updates. A business must update its plan if there are changes to the waste reduction and recycling activities of the business or if required as a result of revisions to these regulations.



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- (C) Contents of plan. The waste reduction and recycling plan must be on forms provided by the Department and must include the following:
1. A description of the business, including;
    - a. Name and address of the property owner and the reporting business.
    - b. Names of all entities affiliated with the business, including any parent and subsidiary business.
    - c. Number of full-time and part-time employees.
    - d. Number of square feet occupied by the business.
    - e. The activities conducted by the business.
  2. A description of the business' current solid waste generation, including:
    - a. Estimated tonnage of all solid waste produced.
    - b. Identification of recyclable solid waste defined in subsection (c)(3) above.
  3. A description of the business' waste reduction and recycling methods.
  4. Name(s) of the person(s) responsible for coordinating recycling and waste reduction activities, preparing the annual report, and for responding to the Department on actions concerning implementation and enforcement of these regulations.



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5. Name and phone number of the licensed collector responsible for collecting the materials to be recycled and sites where materials are delivered.

(6) Requirement for an annual report on waste reduction and recycling activities.

(A) Applicability.

1. Large businesses. Each year all large-sized businesses must prepare and submit to the Department on or before February 1 annual waste reduction and recycling reports covering the previous calendar year.
2. Medium-sized businesses. Each year, all medium-sized businesses must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.
3. Small businesses. Small-sized businesses must prepare and begin submission of initial annual waste reduction and recycling reports within 60 days from receipt of a written request for reports from the Department. From that time forward, each year, all of these small businesses must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.
4. Property owner of multi-tenant facilities. Owners of multi-tenant facilities must file annual waste reduction and recycling reports covering facilities in their entirety, and including information for all tenants. Each year, owners must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.





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<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
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- (B) Review Process. Annual reports will be reviewed, field verified and audited by the Department through on-site evaluation.
- (C) Contents of the report. The annual report must include the following information on waste reduction and recycling activities conducted between January 1 and December 31 of the previous calendar year:
1. Any change in the description of the business as submitted in the waste reduction and recycling plan or most recent annual report, including:
    - a. The purpose of, and activities conducted by, the business.
    - b. The number of full-time and part-time employees associated with the business.
    - c. The number of square feet occupied by the business.
  2. Identification of the total annual tonnage of solid waste generated and the annual tonnage of each type of material being reduced or recycled.
  3. Name and phone number of the licensed collector responsible for collecting the materials to be recycled and sites where materials are delivered.
  4. If recyclable materials are self-hauled to a recycling facility, the business must obtain scale house tickets and provide these as documentation of quantity recycled for reporting requirements. Only in the event that scale house tickets are not obtainable, may receipts and/or other proof of quantity recycled be substituted.
  5. A description of the progress in waste reduction and reuse efforts undertaken by the business.



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6. A description of the property management's or business' efforts to educate tenants and/or employees about its recycling program.

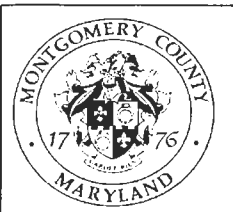
(D) Certification. All reports and plans must be signed by a person authorized to bind the business, and must certify that the information is correct to the best of his/her knowledge. Examples of authorized persons include a corporate officer (President, Vice-President, Chief Administrative Officer, Chief Operating Officer or their designee) or owner of the business.

(7) Containers. The owner or operator of each business must place containers for all required recyclable materials in adequate sizes and quantities in each location where trash containers are located, and must clearly label each container to indicate the appropriate material(s) to be placed inside for recycling. All containers must be located within reasonable and convenient proximity to all buildings and other uses on-site. In addition, any business that sells or provides food or beverages in recyclable containers for on-site consumption must provide an adequate size and number of recycling containers for use by consumers, and wherever vending machines dispensing products in recyclable packaging are located, recycling containers for those materials must be located in close and convenient proximity.

(8) Property owner of commercial properties. Property owners must make recycling collection service and storage space for recyclable solid waste available to tenants in compliance with these regulations and Section 48-24 of the Montgomery County Code.

(9) Collectors servicing commercial properties.

(A) Collectors must collect and deliver to a recycling facility materials that have been source separated from the solid waste stream, unless the recyclable materials are not acceptable. If a collector determines that the recyclable materials are not acceptable then the collector must inform the generator or responsible agent in writing using a form designated by the County, keep a copy on file, and send a copy to the Department. The collector must indicate the name of the business, name of the responsible agent notified, date, time, address, the nature of the problem and suggested remedy and specify a collector contact name and phone number for additional information.



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<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
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(B) Collectors must provide a copy of its current Montgomery County Collector's License to each customer at least once annually, and must keep a copy of such notice and the date provided in their business records. If a copy has not yet been provided, and a customer requests one the collector must provide the customer with a copy of its license within 3 business days.

(10) Contract Services. Businesses that contract for recycling collection service are required to use a County-licensed collection company.

(A) A business, regardless of employee size or type, when contracting for collection service of recyclable materials must use a collection company that has a license to collect and transport recyclable solid waste in the County ("Licensed Collector").

(B) A business contracting for collection services with a Licensed Collector must maintain for inspection a copy of the Licensed Collector's license. A property manager or responsible agent must produce a copy of the license upon request by the Department within 3 business days.

## Section 4. Administration

### (a) Responsibilities of the Department.

(1) Forms. The Department must provide any forms, as appropriate, that assist multi-family dwellings with 7 or more units and businesses in meeting the requirements of these regulations.

(2) Confidentiality. Subject to applicable law, the Department must maintain the confidentiality of any information required to be provided in these regulations that identifies markets or customers. The Department must not, unless required by law to do so, disclose this information to third parties other than in nonspecific summary form in general recycling and solid waste analyses. This requirement does not prohibit the Department from using this information in preparing a summary analysis of waste reduction and recycling activities in the County.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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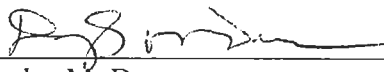
<b>Subject</b> Residential and Commercial Recycling	<b>Number</b> 15-04AM
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

## Section 5. Enforcement


These regulations may be enforced in accordance with Montgomery County Code 1994, as amended, Section 48-49.

## Section 6. Construction

This regulation must be construed liberally to permit the Department to effectuate the purposes of Article V (recycling) of Chapter 48 of the Montgomery County Code (1994), as amended, and the policies of the County's Comprehensive Solid Waste Management Plan.

  
\_\_\_\_\_  
Douglas M. Duncan  
County Executive

APPROVED AS TO FORM AND LEGALITY  
OFFICE OF COUNTY ATTORNEY

BY   
DATE 2/2/05



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Collection, Transport and Disposition of Solid Waste	<b>Number</b> 18-04
<b>Originating Department:</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

Montgomery County Regulation on:

**COLLECTION, TRANSPORT AND DISPOSAL OF SOLID WASTE  
OFFICE OF THE COUNTY EXECUTIVE**

Issued by: County Executive  
Regulation No. 18-04

Authority: Montgomery County Code, 1994, Chapter 48, specifically Section 48-51  
Supersedes: N.A.  
Council Review: Method (1) under Code Section 2A-15  
Register Vol. \_\_, No. \_\_

Effective Date: February 8, 2005  
Comment Deadline: October 31, 2004

**Summary:** This regulation establishes certain requirements pertaining to the collection, transport and disposition of solid waste and recyclable materials.

**Address for comments:** Department of Public Works and Transportation  
Executive Office Building  
101 Monroe Street, Tenth Floor  
Rockville, MD 20850

**Staff Contact:** William F. Davidson  
240-777-6409



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Collection, Transportation, and Disposition of Solid Waste	<b>Number</b> 18-04
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

## Background Information:

Council Resolution 15- 608, adopted May 19, 2004, called for the implementation of a ban on the disposal of mixed paper and old corrugated cardboard, preceded by a six month planning period and a twelve month technical assistance and monitoring period through an amendment to the Ten-Year Plan and requested that the County Executive propose revisions to existing recycling regulations. Proposed Executive Regulation 15-04, noticed in the Register on September 1, 2004, achieves these objectives by amending Executive Regulation 109-92-AM as requested. That proposed regulation expands the list of materials required to be recycled and applies it to all sectors (single family, multifamily, and commercial); it also improves existing recycling plan and reporting requirements. This companion regulation complements ER 15-04 by clearly establishing roles and responsibilities for licensed Haulers and Collectors and all other persons using County acceptance facilities for the disposal of solid waste. It also provides the first step toward implementing the actions outlined in the draft Ten-Year Plan currently before the Council for review. Consistent with the Ten-year Plan and the Council Resolution, many of these provisions will not become effective for at least one year from passage in order to provide time for significant preparation, education and outreach efforts as recommended.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Collection, Transportation, and Disposition of Solid Waste	<b>Number</b> 18-04
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

**Section 1. Definitions.** The terms used are as defined in Chapter 48 of the Montgomery County Code, and as may be amended, and as defined in this section:

- (a) **“Acceptable for Disposal”** means solid waste excluding recyclables which is otherwise appropriate for handling at a solid waste acceptance facility.
- (b) **“Recyclables”** means materials of the type required to be recycled pursuant to any regulation issued under Chapter 48.
- (c) **“Disposal Facility”** means the Montgomery County Transfer Station or any location operated by the County which accepts solid waste for disposal.
- (d) **“Recycling Facility”** means a facility which is able to accept and process recyclable materials in accordance with customary standards and applicable law.
- (e) **“Registration”** means, for the purposes of this regulation, a permit issued for a vehicle authorized to transport or collect solid waste.

**Section 2. Collection**

- (a) Collectors must separately collect waste set out for disposal from materials set out in separate containers for recycling collection. If the same vehicle is used to collect both types of waste (e.g. split body) then the separation must be maintained during collection, transportation and off-loading at respective Disposal and Recycling Facilities.
- (b) Any Collector who observes, or reasonably should have observed, recyclables in solid waste that have been set out for disposal must, notify the customer responsible by mailing notice of the problem to the customer on the same or following business day and on the same day mail a copy of the customer notice to the Department. In lieu of mailing copies to the Department, collectors having credit accounts with the Department may file electronic reports using their billing account on the Department’s web site in a format specified by the Department for that purpose, but only if the collector transmits the electronic notice no later than the next business day following the date of the incident and provided that the collector retains paper copies of electronic notices for inspection by the County for at least three years at the collector’s place of business. Each such notice under this paragraph, whether written or electronically transmitted, must be in a format designed by the Department, indicate the service location, name of the responsible agent notified, date of the offending observation, specific type of recyclables observed, suggested remedy, and a collector contact name and phone number for additional information.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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<b>Subject</b> Collection, Transportation, and Disposition of Solid Waste	<b>Number</b> 18-04
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

- (c) Collectors must not collect recyclables observed, or which should reasonably have been observed, to be mixed in with trash set out for disposal without posting the notices as described above.

### Section 3. Disposal of Recyclables

- (a) Haulers, collectors and other persons must deliver solid waste acceptable for disposal only to disposal facilities.
- (b) Haulers, collectors and other persons must not deliver solid waste acceptable for disposal to any recycling facility.
- (c) Haulers, collectors and other persons must deliver recyclables acceptable for recycling only to recycling facilities.
- (d) No hauler, collector or other person, may deliver for disposal to any solid waste acceptance facility any solid waste that is acceptable for recycling.

### Section 4. Recyclable Waste Banned from Disposal at County Solid Waste Acceptance Facility

- (a) All loads brought to a County acceptance facility may be subject to inspection.
- (b) Collectors who deliver for disposal recyclables mixed in with a load of material otherwise acceptable for disposal, must, immediately upon request, identify to the transfer station attendant the name(s) and corresponding service location(s) it will be sending notices to under paragraph 2(b), above related to the subject load.
- (c) At any time during its collection or off-loading activities, upon the request of the Director, collectors must immediately provide an accurate and legible list of all customer locations from which waste was collected for the load carried at the time of the request.
- (d) In addition to any other requirements herein, haulers and collectors delivering solid waste for disposal to the County Transfer Station in open-top roll off boxes, must accurately declare to the scale house attendant if the load originated from a construction, demolition, renovation or land clearing project site. The method of declaration shall be as specified by the Department.





# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

<b>Subject</b> Collection, Transportation, and Disposition of Solid Waste	<b>Number</b> 18-04
<b>Originating Department</b> DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	<b>Effective Date</b> February 8, 2005

## Section 5. Confidentiality

- (a) Except as may be necessary to investigate and bring enforcement actions against the collector and its customers, the Department shall make reasonable efforts to preserve the confidentiality of customer lists and other information of a proprietary nature received from a collector provided herein if requested by the collector in order to prevent the disclosure of proprietary information to disinterested third parties.
- (b) Nothing herein shall prohibit the Department from using any information obtained from the operation of this regulation in preparing a summary analysis or for the purposes of assisting the County in identifying potential sources of recyclables delivered in loads of solid waste otherwise acceptable for disposal.

## Section 6. Enforcement and Effective Dates

- (a) These regulations shall take effect immediately upon adoption except that no fines may be assessed for violations of Sections 2(b), 2(c), 3(c), 3(d), 4(b) and 4(c) for a period of one year from the date this regulation takes effect. Fines may be assessed for all other provisions of this regulation immediately upon adoption.
- (b) In addition to any other relief under the Code or these regulations that may be available, compliance with these regulations is a condition of registration issued under Section 48-20 of the County Code. Violations of these regulations may, in the Director's discretion, provide a basis for revocation, suspension or non-renewal of registration.
- (c) These regulations may be enforced in accordance with Montgomery County Code 1994, as amended, Section 48-49.

## Section 7. Construction

This regulation must be construed liberally to permit the Department to effectuate the purposes of Chapter 48 of the Montgomery County Code (1994), as amended, the policies of the County's Comprehensive Solid Waste Management Plan, and Council Resolution 15-608.

APPROVED AS TO FORM AND LEGALITY.

OFFICE OF COUNTY ATTORNEY

BY [Signature]  
DATE 9/17/04

[Signature]  
Douglas M. Duncan  
County Executive



# Executive Regulation

Office of the County Executive  
Montgomery County, Maryland

Subject	HAULER AND COLLECTOR REPORTING	Number	58-92AM
Originating Department	DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date	June 17, 1993

Montgomery County regulation on:

**SOLID WASTE AND RECYCLING**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Issued by: County Executive  
Regulation No. \_\_\_\_  
COMCOR, Title \_\_\_\_, Chapter \_\_\_\_

Authority: Montgomery County Code, 1984, Section: 48-5,  
48-6, 48-19, 48-24, 48-25, and 2A-14

Supersedes: No prior regulation

Council Review: Method (2) under Code Section 2A-15  
Register Vol.9, No.8

Effective Date: June 17, 1993

Sunset Date: None

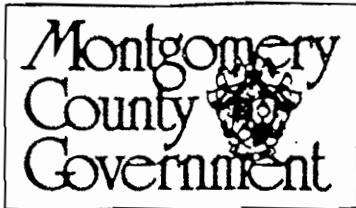
**Summary:**

The proposed regulation describes the licensing procedures for collecting and hauling solid waste for recycling and disposal and describes recycling and disposal of solid waste reporting requirements for haulers.

**Comment deadline:**

Address for comments: Director, Department of Environmental Protection  
Executive Office Building  
Sixth Floor  
101 Monroe Street  
Rockville, Maryland 20850

Staff contact: Elizabeth Feinberg  
Montgomery County Department of Environmental  
Protection  
217-2380



# Executive Regulation

Office of the County Executive  
Montgomery County, Maryland

Subject	HAULER AND COLLECTOR REPORTING	Number	58-92AM
Originating Department	DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date	June 17, 1993

Background Information: The County requires detailed data on the types of tonnages of material collected for recycling from within the County to effectively track residential and nonresidential recycling rates. This data is critical for sectors in which private, non-contractor haulers and collectors provide private collection services. The County requires data on the total amount of solid waste collected by private haulers and collectors, including the amount of solid waste disposed outside the County, to better estimate total solid waste generation. This data is essential to meet state mandates and to demonstrate progress toward meeting the County's mandated recycling goals and to effectively plan and implement a system that meets the County's long-term solid waste management needs. It will help the County address solid waste disposal and recycling infrastructure deficiencies, direct future policies, and operate programs.



# Executive Regulation

Office of the County Executive  
Montgomery County, Maryland

Subject	HAULER AND COLLECTOR REPORTING	Number	58-92AM
Originating Department	DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date	June 17, 1993

## EXECUTIVE REGULATIONS FOR SOLID WASTE AND RECYCLING

**Section 1. Definitions.** The terms used are as defined in Chapter 48 of the Montgomery County Code and as defined in this section:

- (a) "License" means a license issued under Montgomery County Code 1984, as amended, Section 48-19, or any succeeding provision providing for the collection and transportation of solid waste, including recyclable solid waste.
- (b) "Licensee" means any hauler or collector of solid waste or recyclable solid waste which holds a valid license issued under Section 48-19 or any successor provision of the Montgomery County Code 1984, as amended.
- (c) "Recycling" means a process of diverting solid waste from a disposal facility and converting it into new, usable finished product or using it as a raw material in a manufacturing process.

**Section 2. Haulers and collectors reporting requirements.**

- (a) General. Each licensee must submit semi-annual reports to the Department, on forms provided by the Department, describing the amount and type of solid waste collected and/or transported. Licensees must maintain documentation supporting all submitted information for five years.
- (b) Reports. Reports must be on forms provided by the Department and must contain the following information for the previous semi-annual reporting period:
  - (1) The license number and the licensee's name;
  - (2) The amount and type of solid waste collected for recycling and disposal by type of solid waste and type of generator (residential and non-residential);



# Executive Regulation

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- (3) Permit number of all Montgomery County registered solid waste collection vehicles dedicated to handling solid waste for recycling and disposal during the report period;
- (4) Geographic location of the facilities at which the licensee delivered solid waste for recycling or disposal during the reporting period and a statement of the type and quantity of solid waste delivered to each facility.
- (5) A signed acknowledgment that, to the best of the licensee's information, knowledge and belief, the information provided in the report is correct.

- (c) Report schedule. Licensees must submit semi-annual reports to the Department as follows:

Reporting Period	Report Due Date
January 1 - June 30	August 1
July 1 - December 31	February 1

The first semi-annual report is due August 1, 1993, for the January 1 - June 30, 1993, reporting period.

- (d) Forms. The Department must provide the report forms. The licensee must contact the Department to obtain the forms.
- (e) Verification of information.
  - (1) Upon written request from the Department, the licensee must, within 30 days, provide to the Department, or an agent of the County, copies of all documentation supporting the reports required by this regulation or provide access to the Department or its representatives to examine all records supporting the information collected and reported in Section 2 or otherwise required to be maintained by Chapter 48, including the name, address and telephone number of all facilities receiving collected/hailed solid waste for disposal and/or recycling and quantities deposited at each facility.



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### Section 3. Enforcement.

Noncompliance with this reporting requirement constitutes a violation of Montgomery County Code 1984, as amended, Section 48-19 and may be cause for the County denying or suspending a license. Noncompliance may also result in enforcement actions pursuant to Montgomery County Code 1984, as amended, Sections 1-18 to 1-20.

### Section 4.

If a court of competent jurisdiction holds that part of this regulation is invalid, the invalidity does not affect other parts of the regulation.

A handwritten signature in cursive script that reads "Neal Potter".

Neal Potter  
County Executive

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92.02837

APPROVED AS TO FORM AND LEGALITY.  
OFFICE OF COUNTY ATTORNEY

BY \_\_\_\_\_  
DATE \_\_\_\_\_