

CHAPTER ONE: RULES GOVERNING SOLID WASTE MANAGEMENT

The Montgomery County Comprehensive Solid Waste Management Plan for the years 2020-2029 (the “Plan”) sets forth the policies, goals, and plans for the management of solid waste in the Montgomery County (County). The Plan was prepared by the Recycling and Resource Management Division (RRMD) of the County’s Department of Environmental Protection (DEP) in accordance with Title 9, Subtitle 5 of the Environment Article, Annotated Code of Maryland.

Chapter One is organized as follows:

- 1.1 Authority and Purpose
- 1.2 Goals, Objectives, and Policies for Solid Waste Management
- 1.3 County Government Structure for Solid Waste Management
- 1.4 Laws and Regulations Governing Solid Waste Management

Acronyms and solid waste terms used in this chapter and throughout this document are defined in Appendix A.

1.1 Authority and Purpose

Maryland State law authorizes the Montgomery County Council to regulate and control solid waste management in the County, pursuant to Sections 9-501 through 9-521 of the Environmental Article, annotated Code of Maryland, and COMAR 26.03.03. State law requires the County to develop a “Solid Waste Management Plan” for the entire County, including all towns, municipal corporations, and sanitary districts. The Plan must cover a planning period of at least ten years and describe the solid waste disposal systems, solid waste acceptance facilities, and the systematic collection and disposal of solid waste by public or private entities. The Plan must be reviewed and updated as necessary at least once every three years. When deemed necessary by either the County Executive or the County Council, the County Executive must prepare an amendment to the Plan.

The purpose of this Plan is to describe the County’s programs for providing comprehensive management of solid waste generated by the County’s residential (including single-family and multi-family), commercial, institutional, industrial, and agricultural sectors during the ten-year period from 2020 through 2029. The Plan establishes the framework on

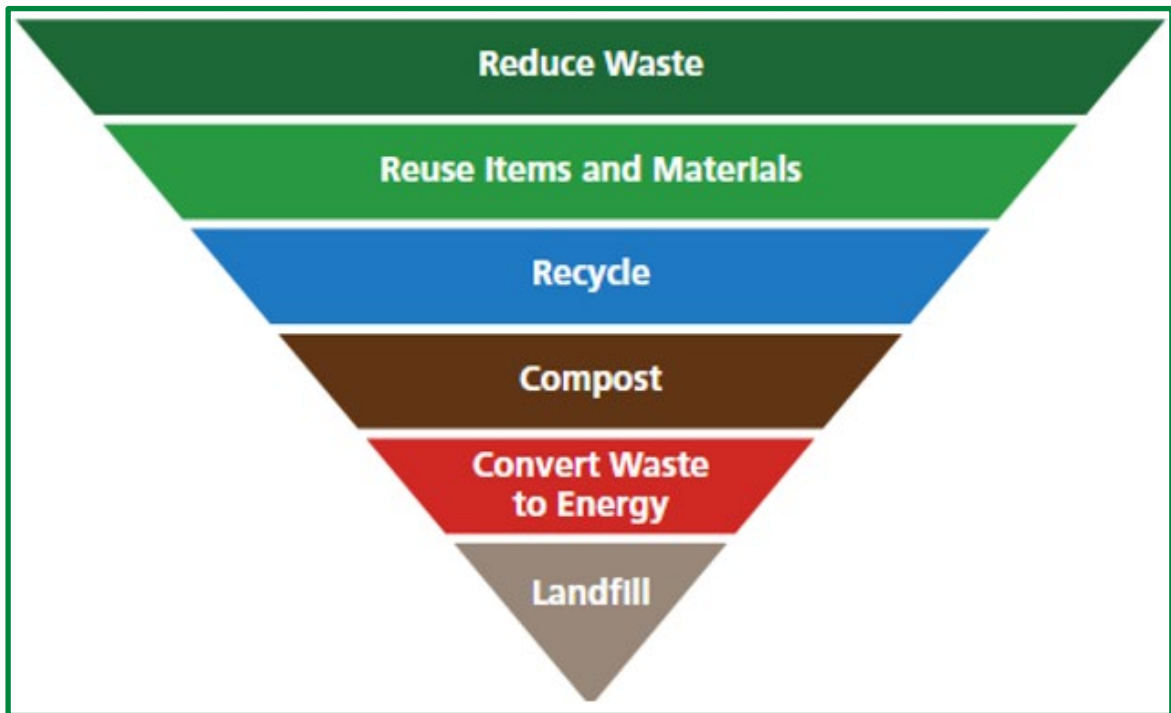
which current solid waste management activities are conducted and future programs implemented.

1.2 Goals, Objectives, and Policies for Solid Waste Management

The County has adopted a hierarchy of solid waste management options (Figure 1.1). Source reduction of solid waste is the preferred management option. The hierarchy leads to minimizing the volume of waste that must be landfilled. This hierarchy recognizes the interdependence of all elements of an integrated solid waste management system. The general goals of this Plan include the following features:

- The County must undertake all waste reduction measures to the extent practical and feasible.
- All waste recycling measures should be implemented with available technologies and markets, which are not significantly more expensive than the waste disposal measures that would otherwise be needed. Technology, markets, and cost-effectiveness are reviewed regularly to expand recycling as new opportunities arise.
- The County will continue current disposal practices at least until 2026.
- To conserve capacity at the County's solid waste acceptance and disposal facilities, the use of these facilities is restricted to solid waste generated in the County.

Figure 1.1 Montgomery County’s Solid Waste Management Hierarchy



The County’s solid waste management programs and policies have created a system that exceeds the State’s established recycling goals. The County’s solid waste management hierarchy is consistent with the State’s hierarchy. By shifting the focus of solid waste management to waste reduction and recycling, the County strives to reduce the solid waste remaining for disposal. To reduce the County’s reliance on landfill capacity, ash generated at the RRF is beneficially reused as a road base or alternative daily cover at a landfill outside the County.

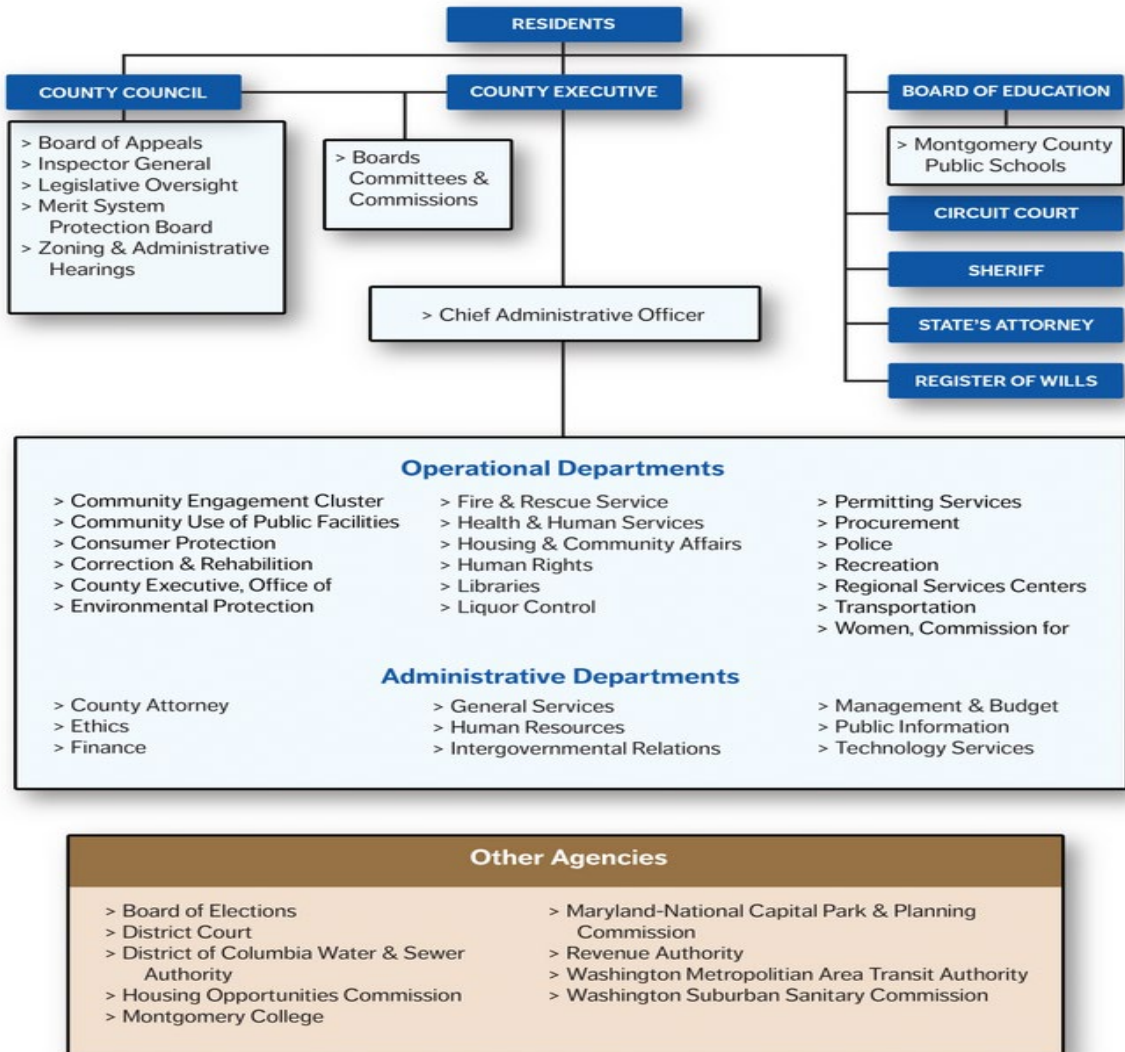
This solid waste plan is consistent with Objective 9 of the County’s comprehensive land use plan, *“General Plan Refinement of the Goals and Objectives for Montgomery County (1993)”¹*: *Provide an adequate, self-sufficient, well-monitored, and ecologically sound system for the management of Montgomery County’s solid wastes.*

¹ [General Plan Refinement of the Goals and Objectives for Montgomery County, The Maryland-National Capital Park And Planning Commission, December 1993](#)

1.3 County Government Structure

The County is a charter county of Maryland with a nine-member County Council and a County Executive. The County Executive drafts the Plan, its amendments and revisions, and recommends solid waste legislation. The County Executive also administers the County solid waste laws in Chapter 48 of the Montgomery County Code. After providing notice and conducting public hearings, the County Council adopts the Plan, its amendments and revisions, and approves other solid waste legislation. In 2020, County voters approved a ballot initiative to increase the size of the County Council to eleven members. This increase will take effect with the 2022 general election. Figure 1.2 shows an organizational chart of the County government.

Figure 1.2 Montgomery County, Maryland Functional Organization Chart



1.3.1 Primary Solid Waste Management Responsibility

The day-to-day management of the County's integrated solid waste management system and planning for solid waste management is the responsibility of the County's DEP. DEP is under the general supervision of a director appointed by the County Executive and confirmed by the County Council. The DEP monitors land, air, water, and other environmental quality concerns related to solid waste management activities. Within DEP, the Recycling and Resource Management Division (RRMD) ensures that all municipal solid waste is handled correctly and disposed of through the enforcement of State regulations and Chapter 48 of the Montgomery County Code.

1.3.2 Other Executive Branch Departments that Manage Solid Waste

The Department of Housing and Community Affairs (DHCA) enforces portions of Chapter 48 by ensuring the removal of abandoned vehicles and solid waste from residential areas.

The Police Department receives and disposes of abandoned vehicles. The Division of Animal Services contracts for the collection and disposal of dead animals.

The County Department of Transportation (DOT) vacuums leaves from public rights-of-ways from November through January with the Leaf Collection District. The Leaf Collection District lies mostly within Subdistrict A, with a small portion in Subdistrict B, but the boundaries are not contiguous. DOT also collects roadside litter and conducts clean-up operations following significant storm events.

The Department of Fire and Rescue Services (DFRS) reviews solid waste acceptance facilities concerning the potential for fire and other hazards. DFRS also supports DEP in controlled hazardous substances (CHS) spill emergencies.

1.3.3 Other Agencies that Manage Solid Waste

Other agencies have the following roles in managing solid waste in the County and developing the Plan.

Maryland-National Capital Park and Planning Commission

The Maryland-National Capital Park and Planning Commission (M-NCPPC) is a bi-County agency created by the General Assembly of Maryland to prepare, adopt, and amend land use plans for the physical development of the Maryland-Washington Regional District that includes most of Montgomery and Prince George's Counties. M-NCPPC provides DEP with information and assistance as necessary during the preparation of the Plan. Pursuant Section 9-515(e) of the Environment Article, Annotated Code of Maryland, the County Council must submit the final draft of any revision or amendment of the Plan to M-NCPPC for their recommendations at least 30 days before the date set for the public hearing on the Plan. The County Council requested M-NCPPC comments on February 12, 2021, and no comment was received.

Washington Suburban Sanitary Commission (WSSC Water)

WSSC Water is a bi-county agency created by the General Assembly of Maryland. WSSC Water is responsible for planning, designing, constructing, operating, maintaining waste and sewerage systems, and acquiring facility sites and rights-of-way to provide potable water and sanitary sewer services within the Washington Suburban Sanitary District that includes most of Montgomery and Prince George's Counties. WSSC Water provides the executive branch with information and assistance as necessary during the preparation of the Plan. Pursuant Section 9-515(e) of the Environment Article, Annotated Code of Maryland, the County Council must submit the final draft of any revision or amendment of the Plan for recommendation to WSSC Water at least 30 days before the date set for the public hearing on the Plan. The County Council requested WSSC Water comments on February 12, 2021, and no comment was received.

Maryland Environmental Service

Maryland Environmental Service (MES) is an agency of the State of Maryland and a public corporation that provides environmental management services to public and private entities. MES receives no direct State appropriation and is required to provide its services on a fee-for-service basis. MES assists the County in the operation of several elements of the County's solid waste management system, including the operation of the Materials Recovery Facility (MRF), the County Yard Trim Composting Facility, and recycling activities taking place at the County Shady Grove Processing Facility and Transfer Station (Transfer Station).

Northeast Maryland Waste Disposal Authority

The Northeast Maryland Waste Disposal Authority (NMWDA) was created by the General Assembly of Maryland to assist political subdivisions, public entities, and the private sector in waste management and the development of adequate waste disposal facilities to accommodate regional requirements for the disposal of solid waste. NMWDA financed the cost of designing and constructing the County's RRF and related transportation improvements necessary for the project. The County has a Waste Disposal Agreement with NMWDA for the disposal of non-recycled waste.

Waste Reduction and Recycling by Government Agencies

All federal, state, and County agencies must comply with all waste reduction and recycling mandates and requirements imposed on County businesses. Each agency should track its annual waste generation and recycling rates and be prepared to report to the County Executive, County Council, and the RRMD on measures undertaken to reduce the amount of trash produced, reuse of materials, and recycling activities.

In accordance with Resolution 15-313, regarding environmental policy, each County agency or department must appoint Environmental Policy Coordinators, submit environmental action plans outlining their goals, including annual reports on their accomplishments, and promote environmentally responsible business practices. The County expects all federal and state agencies located in the County to abide by County waste reduction and recycling regulations.

1.4 Laws and Regulations Governing Solid Waste Management

Federal, state, and local laws and regulations govern solid waste management in the County. However, federal authority in the County is limited. Generally, federal authority to implement federal laws and regulations is given to the state, and the County's solid waste program and ordinances must meet or exceed the solid waste laws and regulations of the state.

1.4.1 Federal Laws and Regulations

Resource Conservation and Recovery Act (RCRA) of 1976:

A primary objective of this Act, as amended, is to promote recycling and reuse of recoverable materials. RCRA Subtitle D focuses on State and local governments as the primary entities that plan, regulate, and implement the management of non-hazardous solid waste, such as household garbage and non-hazardous industrial solid waste.

RCRA Subtitle C establishes a Federal program to manage hazardous wastes from creation to proper disposal to ensure that hazardous waste is handled to protect human health and the environment.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA):

Establishes programs for the identification and remediation of waste disposal sites containing hazardous substances; establishes standards for clean-up efforts and disposal of waste; and provides a mechanism for assigning liability for contaminated sites.

Clean Water Act (CWA):

Section 402 of this act establishes the National Pollutant Discharge Elimination System (NPDES) program to address the discharge of wastewater and runoff from solid waste management facilities into surface waters. The construction of facilities that may impact any rivers, lakes, marshes, swamps, or wetlands of the United States is addressed by Section 404, administered by the Army Corps of Engineers. Section 405 addresses the disposal of wastewater treatment biosolids.

Clean Air Act (CAA):

Title I of the CAA addresses emissions from landfills and authorizes regulations on the collection and control of those emissions. Title V of the CAA addresses the potential-to-emit pollutants and authorizes permitting regulations for major polluters. Landfill facilities are subject to Title I and are required to obtain a Title V permit, in addition to any facility that is a "major source" of pollutants.

Safe Drinking Water Act (SDWA):

Establishes maximum contaminant levels for parameters included in groundwater monitoring programs.

Federal Emergency Management Act (FEMA):

Prohibits siting of landfills within the 100-year floodplain (Subtitle D allows for an exception if the unit will not restrict the flow on the 100-year flood, reduce the temporary storage capacity of the floodplain, or result in washout of solid waste).

Public Utilities Regulatory Policies Act (PURPA):

Encourages co-generators and small power producers, such as municipal solid waste combustors, to supplement their existing electrical utility capacity. The Federal Energy Regulatory Commission is responsible for implementing regulations and setting limits on the power output of these facilities.

CFR, TITLE 40, SUBCHAPTER I**Part 240: Guidelines for the Thermal Processing of Solid Wastes**

Minimum performance levels for MSW incinerators.

Part 243: Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste

Minimum performance levels for solid waste collection operations. Issues addressed include storage safety and equipment and collection frequency and management.

Part 246: Source Separation for Materials Recovery Guidelines

Minimum actions are recommended to recover resources from solid wastes, including high-grade paper, residential materials, and corrugated containers.

Part 247: Guidelines for the Procurement of Products that Contain Recycled Materials

Recommended guidelines only. Procedures and specifications for procurement of products to increase the use of recycled material.

Part 255: Identification of Regions and Agencies for Solid Waste Management

Procedures for the identification of regional solid waste management planning districts.

Part 256: Guidelines for Development and Implementation of State Solid Waste Management Plans

Guidelines for development and implementation of state solid waste management plans.

Part 257: Criteria for the Classification of Solid Waste Disposal Facilities and Practices

Criteria to determine which solid waste facilities pose a reasonable probability of adverse effects on health or the environment. Facilities in violation will be considered open dumps. It does not apply to municipal landfills (covered under Part 258).

Part 258: Criteria for Municipal Solid Waste Landfills (Subtitle D Regulations)

Establishes minimum national criteria for the design and operation of MSW landfills. Includes location restrictions, operating criteria, design criteria, groundwater monitoring, corrective action, closure and post-closure, and financial assurance criteria. Design standards apply only to new landfills and lateral expansions of existing facilities.

Part 260: Hazardous Waste Management System - General

Provides definitions and a general overview of Parts 260 through 265.

Part 261: Identification and Listing of Hazardous Waste

Provides identification of those materials which are subject to regulation as hazardous wastes under Parts 270, 271, and 124.

Part 264: Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

Establishes minimum national standards for the management of hazardous wastes.

Part 265: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal facilities

Establishes minimum national standards that define the management of hazardous wastes during the period of interim status and until the certification of post-closure or closure of the facility.

Part 266: Standards for the Management of Specific Hazardous Wastes and Specific Types Hazardous Waste Disposal Sites

Establishes minimum national standards for the recyclable materials used in a manner to constitute disposal, hazardous waste burned for energy recovery, used oil burned for energy recovery, recyclable material used for precious metal recovery, and spent lead-acid batteries being reclaimed.

Part 270: EPA Administered Permit Programs: The Hazardous Waste Permit Program

Application requirements, standard permit conditions, monitoring, and reporting requirements for EPA permitting for the treatment, storage, and disposal of hazardous waste.

Part 271: Requirements for Authorization of State Hazardous Waste Programs

Identifies the requirements that state programs must meet to fulfill interim and final authorization as well as the procedures EPA uses to approve, revise, and withdraw approval of state programs.

Part 272: Approved State Hazardous Waste Programs

Establishes the applicable state hazardous waste management programs.

Part 273: Standards for Universal Waste Management

Establishes the requirements for managing batteries, pesticides, mercury-containing equipment, and lamps.

Part 503: Standards for the Use or Disposal of Sewage Sludge

Establishes standards, which consist of general requirements, pollutant limits, management practices, and operational standards for the final use or disposal of sewage sludge generated during domestic sewage treatment in treatment works.

1.4.2 Maryland Laws and Regulations

The primary laws of the State of Maryland that relate to solid waste management are contained in the *Local Government Article*, *the Environment Article*, and *the Natural Resources Article*. Pursuant to Section 10-317(a)(2) of the Local Government Article, charter counties have the power to enact local laws concerning the disposal of wastes. Title 9 of the Environment Article contains provisions for the planning and permitting of solid waste management and related facilities. It also provides for the regular submission of solid waste management plans by the counties, sets forth the minimum requirements of such plans, provides for a recycling office, and requires counties to submit a recycling plan. Notable sections include the following:

- Section 9-204 defines the requirements for Refuse Disposal Permits issued by the MDE;
- Section 9-210 requires that specific wastes which are authorized for disposal in rubble landfills in the County be defined in the Plan before issuance of a permit by the State and provides prerequisites for the issuance of permits for refuse disposal systems;
- Section 9-211 describes the financial assurance requirements relating to the siting of solid waste facilities;
- Section 9-228 pertains to the storage, recycling, and disposal of scrap tires through state efforts. Regulations for this program are in the Code of Maryland Regulations (COMAR) 26.04.08;
- Section 9-1703 requires that each county submit a recycling plan to the state when the Plan is submitted. This section also defines specific information to be included in both plans;
- Section 9-1708 establishes requirements for a natural wood waste recycling facility.

The Natural Resources Article also contains several sections that relate to solid waste management planning. Notable provisions are included in Title 3, Subtitle 1 (Maryland Environmental Service), Title 9, Subtitle 4 of the Environment Article (Hazardous Waste Facility Siting Program), and Title 3, Subtitle 9 (Northeast Maryland Waste Disposal Authority).

The primary regulations governing solid waste management are contained in COMAR's Title 26 (Department of the Environment). The pertinent sections of Title 26 are as follows:

- Subtitle 03 – Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding, which pertains to the development of county Comprehensive Solid Waste Management Plans;

- Subtitle 04 – Regulation of Water Supply, Sewage Disposal, And Solid Waste, which contains general provisions related to all aspects of solid waste management;
- Subtitle 11 - Air Quality, which contains requirements governing incinerators and asbestos disposal; and
- Subtitle 13 - Disposal of Controlled Hazardous Substances, which contains requirements for the management of CHSs.

The text below lists the relevant sections of the Annotated Code of Maryland and other state regulations that affect solid waste management.

Chesapeake Bay Critical Area Protection Program (1984):

Controls human intervention in the Bay area.

Composting Act (1992):

Includes composting in the definition of recycling. Requires that county recycling plans address composting issues and bans loads of yard materials collected separately from trash from being landfilled effective in 1994.

Electronics Recycling Program (2007):

Mandates that manufacturers of certain electronics devices (computers, televisions, etc.) contribute payments toward a fund for local government electronics recycling programs or that such manufacturers establish their own electronics recycling collection programs. Authorizes counties to address the subject of electronics recycling in their recycling plans.

Land-Clearing Debris Landfills – Amount of Security (1990):

Addresses the number of bonds required as security for each acre of land-clearing debris landfills.

Maryland Air Quality Control Act (1989):

Allows the adoption of rules for air pollution control, sets emission standards and air quality control areas and requires training for municipal solid waste incinerator operators.

Maryland Environmental Service Act (1970):

Creates the Maryland Environmental Service to manage service regions that were created to deal with issues affecting the State’s water supply, wastewater purification, and solid waste management.

Maryland Landfill Financial Assurance Law (1997):

Sets forth financial assurance requirements for landfills in conformance with the requirements of federal regulations.

Maryland Landfill Siting Law (1994):

Describes the requirements for public hearings regarding landfill siting and addresses permitting requirements and security requirements. Explains the requirements for submitting plans and documents necessary to conduct a technical review and approve proposed facilities.

Maryland Recycling Act (2012):

House Bill 929 (2012) amended the rates to 35 percent for Counties with a population greater than 150,000 or 20 percent for a county with less than 150,000. The law requires full implementation by December 31, 2015.

Maryland Senate Joint Resolution 6 (2000):

Sets a voluntary statewide goal of 40 percent waste diversion by 2005, with a credit of up to 5 percent for jurisdictions engaged in specified waste prevention activities. "Waste diversion" is defined as the recycling rate plus waste prevention credit.

Mandatory recycling rates established by the Maryland Recycling Act of 1988 remain in effect.

Maryland State Implementation Plan (SIP) (Ongoing):

Limits emissions from specific pollutant sources to prevent air quality from falling below National Ambient Air Quality Standards (NAAQS).

Maryland Nonpoint Source Pollution Control Laws (1990-1994):

Allows for the adoption of criteria and procedures by counties and soil conservation districts to implement soil erosion control programs and for counties and municipalities to implement stormwater management programs.

Maryland Used Oil Recycling Act (1997):

Requires MDE to develop programs to educate the public on oil recycling and designate used oil collection facilities. It also prohibits the disposal of used oil into sewers, drainage systems, or natural waters.

Maryland Wastewater Treatment Law (1987):

Requires permits before installing, altering, or extending a water supply system or refuse disposal system (including a landfill, waste transfer station, incinerator, or other waste processing facility).

Mercury Oxide Battery Act (1992):

Makes mercury oxide battery manufacturers responsible for collecting, transporting, and recycling, or disposal of batteries sold or offered for promotional purposes in the state.

Natural Wood Waste Recycling Act (1991):

Establishes the requirements for wood waste recycling in Maryland, authorizes the Department of the Environment to adopt additional regulations governing recycling facilities, and requires a permit to operate these wood waste facilities created after July 1, 1992.

Newsprint Recycled Content Act (1991):

Regulates newsprint recycling by imposing specified recycling content percentage requirements on the Maryland newspaper industry. It was amended in 2006 to measure compliance based on a rolling three-year average.

Nickel Cadmium (NICD) Battery Act (1995):

Regulates the storage, transportation, and destination of nickel-cadmium batteries.

Nontidal Wetland Regulations (1990):

Prevents net loss of non-tidal wetlands by establishing a stringent permitting process.

Northeast Maryland Waste Disposal Authority (1980):

Creates and establishes the powers of the Northeast Maryland Waste Disposal Authority.

Plastic Material Code (1991):

Regulates that rigid plastic containers or bottles may not be distributed for sale in the state unless appropriately labeled, indicating the plastic resin used to produce them.

Public School Plans (2009):

An Act requiring a county recycling plan to address the strategy for the collection, processing, marketing, and disposition of recyclable materials from county public schools.

Recycling – Apartment Buildings and Condominiums (2012):

An Act requiring a county recycling plan to address the collection and recycling of recyclable materials from residents of apartment buildings and condominiums that contain ten or more dwelling units by property owners or managers of apartment buildings and councils of unit owners of condominiums. Implements a reporting requirement for recyclable materials generated at apartment buildings and condominiums that contain ten or more dwelling units when applicable.

Recycling – Composting Facilities Act (2013):

Provides that a person may operate a composting facility only in accordance with specified requirements, regulations, orders, and permits and requires the Department of the Environment to adopt regulations to establish a permit system for composting facilities.

Recycling – Special Events (2014):

An Act requiring a County Recycling Plan to address the collection and recycling of recyclable materials from special events by October 1, 2015. It was amended in 2017 to require a county government to provide a written statement before issuing a certain permit for a special event after October 1, 2017.

Recycling – Office Buildings (2019):

An Act requiring a County Recycling Plan to address the collection and recycling of recyclable materials from buildings that have 150,000 square feet or greater office space by October 1, 2020.

Scrap Tire Law (1992):

Prohibits the disposal of scrap tires in landfills after January 1, 1994, and creates a licensing system to manage scrap tires. Establishes requirements for implementing a scrap tire recycling system, licensing haulers, and collection facilities. Establishes the Tire Clean-Up and Recycling Fund.

Sludge Application (1993):

Regulates land application procedures for sludge to maintain public health.

Telephone Directory Recycling Act (1991):

Requires telephone directory publishers to meet specified recycling content percentage.

Waste Reduction and Resource Recovery Plan for Maryland (2017):

Creates a policy to minimize environmental impacts of materials management, conserve in-State disposal capacity, make optimal use of resources and create an environmentally and economically sustainable system of materials management.

Water and Sewage Plan Act (1983):

Requires the preparation and submission of solid waste management plans by counties and establishes the minimum requirements of such plans.

Yard Waste Act (1994):

Bans separately collected yard waste from disposal facilities after October 1994.

COMAR Regulations:

The principal regulations of the State of Maryland pertaining to solid waste management are found in the Code of Maryland Regulations (COMAR) ². Pertinent regulations include:

Title 26 Department of the Environment; Subtitle 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste (COMAR 26.04.07).

- Subtitle 3 - Regulates the development of County Comprehensive Ten-Year Solid Waste Management Plans and addresses funding;
- Subtitle 8 - Water Pollution;
- Subtitle 11 - Air Quality;
- Subtitle 13 - Disposal of Controlled Hazardous Substances;
- Subtitle 17 - Water Management;
- Subtitle 23 - Non-Tidal Wetlands also have a bearing on waste management planning.

² <http://www.dsd.state.md.us/COMAR/ComarHome.html>

1.4.3 Montgomery County Code and Regulations

Regulations affecting solid waste management activities are present in nine chapters of the Montgomery County Code. Chapter 48 (Solid Wastes) specifically addresses solid waste management. A summary of the solid waste management regulations in each chapter of the County Code is provided below.

Chapter 3 (Air Quality Control):

Provides for the burning of leaves and household trash in certain parts of the County (Section 3-6).

Chapter 5 (Animal Control):

Provides for the collection and disposition of dead cats and dogs (Section 5-102) and for the disposal of carcasses of dead animals that had been exposed to rabies (Section 5-55).

Chapter 11B (Contract and Procurement):

Provides for the use of goods containing recycled materials for County government procurement.

Chapter 19 (Erosion, Sediment Control, and Storm Water Management):

Governs erosion and sediment control, storm water management, and activities conducted in a floodplain.

Chapter 22 (Fire Safety Code):

Addresses scrap, waste, and junkyards and collection stations with reference to fire protection (Section 22-61); the collection and burning of shavings, sawdust, and other refuse materials produced at lumberyards and woodworking plants (Section 22-64); and the storage and handling of combustible waste and refuse (Section 22-80).

Chapter 25 (Hospitals, Sanitariums, Nursing, and Care Homes):

Provides for the storage and disposal of garbage and “infectious” wastes at health care facilities (Section 25-43).

Chapter 28 (Junk Dealers and Junk Yards):

Provides for the licensing of junk dealers, the conditions for operating a junkyard, and a prohibition against the burning of tires and other materials that create obnoxious odors or excessive smoke (Sections 28-1 to 7).

Chapter 31B (Noise Control):

Governs the generation of noise.

Chapter 48 (Solid Wastes):

Provides for the management of solid waste³. This Chapter provides for the licensing and permitting of the collection, transportation, and disposal of solid waste (Sections 48-5, 48-19, 48-22) and authorizes the County to establish service and disposal facilities (Section 48-8). Specifically, it provides for the establishment of refuse collection districts (Section 48-29).

Article V of Chapter 48 requires the County Executive to develop a recycling program, which may be established by County Executive Regulation. The regulations set the recycling goal for the County's recycling program and how the rate of recycling achieved in the County is measured. It contains compliance and enforcement provisions and authorizes the County Executive to enter into contracts to procure recycling services necessary for the collection, processing, and marketing of recyclables.

County Council Bills Enacted Into Law During the Previous Plan Period:

- Bill 41-14 Solid Waste (Trash) - Food Service Products – Packaging Materials – Requirements
- Bill 28-16 Solid Waste (Trash) - Strategic Plan to Advance Composting, Compost Use, and Food Waste Diversion
- Bill 32-20 Solid Waste (Trash) - Waste Reduction/Source Reduction and Single-Use Straws
- Bill 33-20 Solid Waste (Trash) - Food Service Products Packaging Materials

Chapter 59 (Zoning):

Provides definitions of solid waste facilities and a list of land use zones in which these facilities are permitted either by right or by special exception.

³ In Maryland regulation (COMAR 26.03.3.01), "Solid waste also includes the "liquid" from industrial, commercial, mining, or agricultural operations, and from community activities..."

County Regulations⁴

Collecting / Hauling / Transporting:

Executive Regulation 18-04 - Collection, Transport, and Disposal of Solid Waste

Executive Regulation 18-08 - Transfer into and out of Collection Districts

Executive Regulation 5-13 AM - Solid Waste Tonnage Reporting

Leaf Vacuuming:

Executive Regulation 6-99AM - Expansion of Leaf Vacuuming Collection District

Recycling:

Executive Regulation 7-12 - Solid Waste and Recycling

Executive Regulation 1-15 - Residential and Commercial Recycling

System Benefit Charge:

Executive Regulation 9-99 - Systems Benefit Charge - Non-residential

⁴ [Montgomery County Executive Regulations](#)