

T&E Committee #1
April 18, 2016

MEMORANDUM

April 14, 2016

TO: County Council

FROM:  Keith Levchenko, Senior Legislative Analyst

SUBJECT: Executive Regulation 1-15, Residential and Commercial Recycling (Method 1¹)

Council Staff Recommendation: Approve

On March 9, the County Executive transmitted Executive Regulation 1-15, Residential and Commercial Recycling. An approval resolution is attached on ©A. This regulation would replace Executive Regulation 15-04AM. The new regulation (showing markups from Regulation 15-04AM) is attached on ©1-16.

Changes in the Regulation

Most of the changes reflected in this regulation involve updating or clarifying language to be consistent with current policies, although there are also some substantive changes. Below is a list of some of the more notable changes:

- Definitions
 - Updates the definition of “Commingled materials” to include the current mix of materials assumed under this category.
 - Adds definition for a “Licensed Collector” (see ©3).
 - Clarifies the definition of “Unit” to mean individual housing unit or business unit. This change helps make clear that condominium properties are included in the definition (see ©4).

¹ As a Method 1 regulation, the regulation is not adopted until the Council approves it. If the Council approves the regulation, the regulation takes effect upon adoption of the resolution approving it or on a later date specified in the regulation.

- **Adds the following language allowing DEP to add to the list of materials for recycling “and other materials designated by the Department through means including, but not limited to, posting on the Departmental website.” (©5, ©7 and ©10).** This language will allow DEP to expand mandatory recycling to additional materials in the future without having to promulgate a new regulation each time.
- Adds solid waste containers to the existing regulation requirements regarding the setting out and pick-up of recycling containers within a certain timeframe of collection. (see ©6)
- Updates the Waste Reduction and Recycling Plan reporting requirements language for both multi-family entities and commercial properties to note the County’s goal of reducing solid waste for disposal by 70 percent by weight for each facility, and notes that plans can be submitted electronically (see ©7, ©10, and ©11).
- **Adds a new requirement to the annual reports for multi-family properties to include a description of the multi-family entity’s efforts to educate residents about its recycling programs (see ©8).**
- Adds language noting that the placement of containers for recycling and solid waste collection for multi-family and commercial properties must be located within a reasonable and convenient proximity to the on-site uses, **as recommended by DEP** (see ©9 and ©14).
- Adds language clarifying that collectors serving multi-family entities and commercial properties must collect materials for recycling separate from solid waste (i.e., not combine the materials for collection and then separate the items later) (see ©9 and ©14).
- Clarifies that commercial recycling and waste reduction program requirements apply to all generators and businesses, **including property owners, property managers, whether individuals or entities, and common ownership associations, including boards of commercial condominium associations** (see ©10).
- Includes clarifying language for both waste reduction and recycling plans and annual reports noting that, for common ownership communities, the governing body must submit a single plan and annual report covering all businesses within that common ownership property that are served by a commonly managed waste and recycling collection system. Any businesses served by a separate collection system must submit an individual plan and annual reports covering that business (see ©11).

Council Staff is comfortable with the above changes.

With regard to the language providing DEP the flexibility to add other recyclable materials to the mandatory recycling list without having to promulgate a new Method 1 regulation, this would remove the Council from having a formal role in this process. However, in Council Staff’s experience, adding materials for recycling in past years has been non-controversial. The focus of these expansion efforts by DEP has been to provide substantial outreach and notification to ensure program success. Violations are typically dealt with through educational efforts, with strict enforcement typically reserved for extreme and repeated violations. As long as DEP keeps the Council well informed of any potential recycling changes it is considering (such as adding new materials to the mandatory recycling list), Council Staff believes this additional flexibility provided to DEP can work successfully.

Comments from Southern Management Corporation and AOBA

Executive Regulation 1-15 was advertised in the December 2015 and January 2016 County Registers. DEP received comments from Southern Management Corporation (©17) and the Apartment and Office Building Association of Metropolitan Washington (AOBA) (©18-25).

AOBA expressed concerns about increasing the waste diversion rate goal (from 50 to 70 percent) given the particular challenges faced by managers of multi-family and office buildings who struggle with tenant participation. DEP noted to Council Staff that it works collaboratively with multi-family and commercial properties and that the 70 percent goal (while aspirational at this point) is consistent with the Countywide goal (as was the current regulation when it was adopted).

Southern Management Corporation expressed concerns about the regulation's requirements for all collectors to have a license (including landscapers for yard trim waste). DEP has noted that the licensing requirement is in the current regulation and that the process is not burdensome. The licensing requirement provides a means for DEP to collect important recycling data while also providing some deterrence from unscrupulous collectors.

As noted in the Executive's transmittal letter, DEP and County Attorney staff met with representatives from both organizations to discuss their concerns, and the issues raised were resolved. DEP staff will be available at the Committee meeting to provide further detail.

Recommendation

Council Staff supports the intent of Regulation 1-15 to update and clarify current practices, to add some additional reporting requirements, and to provide flexibility to DEP to add additional recyclable materials for mandatory recycling without having to promulgate a new regulation. **Council Staff recommends approval of Executive Regulation 1-15.**

Attachment

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Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: Council President at the request of the County Executive

SUBJECT: Executive Regulation 1-15, Residential and Commercial Recycling

Background

1. County Code, Chapter 48, Article V establishes the County's long-term commitment to remove and recycle certain materials from the solid waste stream. As an important part of the County's integrated solid waste management system, extensive recycling will: decrease the flow of solid waste to County disposal facilities; aid in the conservation and recovery of valuable resources; conserve energy; increase the supply of reusable raw materials; reduce the cost of planning, constructing, and operating solid waste disposal facilities; and reduce the environmental impact of waste management.
2. The County accomplishes the above intentions through its mandatory recycling program for single-family residences, multi-family properties, and businesses pursuant to County Code, 2014, Chapter 48, Article V. The County also promotes these objectives through the implementation of its Comprehensive Solid Waste Management Plan adopted under State law.
3. The County first established executive regulations for recycling in 1992 with Executive Regulation 109-92AM, subsequently revised via Executive Regulation 15-04AM.
4. The County Executive proposes that Executive Regulation 15-04AM be updated.

Action

The County Council for Montgomery County, Maryland approves the following regulation:

Executive Regulation 1-15, "Residential and Commercial Recycling"

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

(A)



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

March 9, 2016

TO: Nancy Floreen, President, Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Proposed Executive Regulation 1-15
Residential and Commercial Recycling

The purpose of this memorandum is to submit Proposed Executive Regulation 1-15 to the County Council for your approval. Executive Regulation 15-04AM Solid Waste and Recycling, was adopted on February 8, 2005 to further implement the provisions of Montgomery County Code, Chapter 48, Article V. The County Comprehensive Solid Waste Management Plan for the years 2012 – 2023 was adopted by Council Resolution 18-86 on March 31, 2015. This proposed regulation is to further update the provisions of Executive Regulation 15-04AM and implement the Solid Waste Management Plan.

Executive Regulation 1-15 was initially advertised for public comment in the December 1, 2015 Montgomery County Register. After receipt of a request to extend the public comment period, an extension was advertised in the January 1, 2016 Montgomery County Register. Two comments were received, from Southern Management Corporation, and the Apartment and Office Building Association of Metropolitan Washington. On January 20, staff of the Department of Environmental Protection and the County Attorney's Office met with both Southern Management Corporation and the Apartment and Office Building Association of Metropolitan Washington to discuss their concerns, and the issues raised have been resolved.

If you have questions or need additional information, please feel free to contact Eileen Kao at 240-777-6406.

IL:ek

Attachments

Fiscal Impact Statement
Executive Regulation 1-15 Residential and Commercial Recycling

1. Executive Regulation Summary.

Executive Regulation 1-15 describes the residential recycling requirements for single-family and multi-family dwellings, including:
reporting requirements for multi-family properties;
nonresidential recycling and reporting requirements;
and recycling requirements for collectors of solid waste and recyclable materials.
Executive Regulation 1-15 is a revision to existing Executive Regulation 15-04AM.

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

Executive Regulation 1-15 will not impact county revenues or expenditures.

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

There is no fiscal impact over the next 6 fiscal years as a result of Executive Regulation 1-15.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

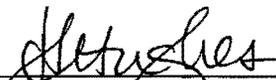
Executive Regulation 1-15 is a revision of existing Executive Regulation 15-04AM to update definitions related to the county's recycling program, including adding to the list of materials that must be recycled due to improvements in recycling technology and market situations and revising current policy language to address a new set of circumstances surrounding current conditions in recycling.

13. Other fiscal impacts or comments.

None.

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

Lisa Feldt, Department of Environmental Protection
Dan Locke, Department of Environmental Protection
Eileen Kao, Department of Environmental Protection
Alex Espinosa, Office of Management and Budget
Matt Schaeffer, Office of Management and Budget



Jennifer A. Hughes, Director
Office of Management and Budget

2/17/16
Date



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Residential and Commercial Recycling	Number: 1-15
Originating Department: DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date:

Montgomery County Regulation on:

SOLID WASTE AND RECYCLING DEPARTMENT OF ENVIRONMENTAL PROTECTION

Issued by: County Executive
Regulation No. 1-15
COMCOR 48.00.03, Solid Waste and Recycling, Chapter 48

Authority: Montgomery County Code, 2014, Chapter 48, Section: 48-47
Supersedes: Executive Regulation 15-04AM
Council Review: Method (1) under Code Section 2A-15
Register Vol. 32, Issue 11

Effective Date:
Comment Deadline: January 14, 2016

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

Address for comments: Department of Environmental Protection
Division of Solid Waste Services
Executive Office Building
101 Monroe Street, 6th Floor
Rockville, Maryland 20850

Staff contact: Eileen Kao, Chief, Waste Reduction and Recycling Section
240-777-6406



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Background: Executive Regulation 15-04AM Solid Waste and Recycling, was adopted on February 8, 2005 to further implement the provisions of Montgomery County Code, Chapter 48, Article V. [Bill 109-92AM, Solid Waste – Recycling, was enacted on March 23, 1992, with an effective date of January 13, 1994]. The County’s Comprehensive Solid Waste Management Plan for the years 2012 – 2023 [2009 – 2019] [1998 – 2007] was adopted by Council Resolution 18-86, [16-894, 13-418,] on [adopted] March 31, 2015. [March 24, 2009, August 4, 1998, and was reconsidered, amended, and re-adopted by and Council Resolution 16-1254, dated February 9, 2010 13-1418 dated October 6, 1998, respectively]. This [These] regulation[s] is [are] to further update the provisions of Executive Regulation 15-04AM [Bill 109-92AM] and implement the Solid Waste Management Plan.

[Section 1.] 48.00.03.01 Definitions. Terms defined herein are for purposes of this Regulation [Article] only. The terms used are as defined in Chapter 48 of the Montgomery County Code or [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**” means acceptable items such as aluminum cans and foil products, steel or tin cans, bi-metal cans, glass bottles, [and] jars and jugs, [and] plastic [narrow neck] bottles, tubs, lids, and containers, which are not separated by type, but are mixed (mingled) together in one container.
- (d) “**Department**” means Montgomery County Department of Environmental Protection [Public Works and Transportation].
- (e) “**Director**” means Director of the Montgomery County Department of Environmental Protection [Public Works and Transportation] or the Director’s designee.
- (f) “**Disposal facility**” means the Montgomery County Shady Grove Processing Facility and 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.



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- (i) **“Licensed Collector”** means a collection company that has a license to collect and transport recyclable solid waste in the County.
- (j[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.
- (k[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, coated paper items, corrugated cardboard, boxboard, newspapers and inserts, magazines, catalogs, telephone directories, [paperback] books, unwanted mail, and other clean, dry paper.
- (l[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.
- (m[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.
- (n[m]) **“Recycling plan”** means a plan describing a program for source reduction and recycling.
- (o[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.
- (p[o]) **“Solid waste stream”** means solid waste as defined in Section [Chapter] 48-1 of the Montgomery County Code from the point of generation to disposal.
- (q[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.
- (r[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.



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(s[r]) "Unavailable" means non-existent.

(t[s]) "Unit" means individual housing unit or business unit.

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

(v[u]) "Yard trim" means leaves, grass, garden trimmings, and brush.

[Section 2.] 48.00.03.02 Waiver from these Regulations, subject to the requirements of Section 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.
 - (1) The Director must consider the following criteria in granting a waiver:
 - (A) The unavailability of markets for the material identified;



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- (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.] 48.00.03.03 Solid Waste, 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 recyclable materials, including: mixed paper; commingled materials; yard trim; Christmas trees; [and] scrap metals[.]; and other materials designated by the Department through means including, but not limited to, posting on the Departmental website.
 - (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)] (2014), 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.
 - (B) Commingled materials. All commingled materials must be separated from other solid waste and placed in a County approved container. Lids[,] and tops[,] which are acceptable for recycling must be separated from containers before being placed into an approved recycling container. [and a]Any loose food or liquid must be removed.



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(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) Solid Waste and Recycling Collection requirements [Collection requirements].

(A) Location. Materials for solid waste and recycling collection [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. Solid waste and recyclables [Materials] prepared for disposal or 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 and solid waste 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 all [recycling] containers litter free.

(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"] ("multi-family entities"). This section is not applicable to facilities receiving collection as described in (a) or to businesses covered under (c).



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(2) Multi-family entities and residents must recycle. Materials which are required to be recycled are: cardboard; mixed paper; commingled materials; yard trim; Christmas trees; [and] scrap metal items[.]; and other materials designated by the Department through means including, but not limited to, posting on the Departmental website. 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] Communities, 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] entities 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] 70% annually, by [volume or] weight, for each facility. Multi-family [dwellings] entities having 100 or fewer 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] 70% 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 electronically or on forms provided by the Department and must include, at a minimum[.], a description of the 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



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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 electronically or on a form provided by the Department and must include tonnages of materials collected for recycling and for solid waste disposal, a description of the multi-family entity's efforts to educate residents about its recycling program, 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] [i]In the event that scale house tickets are not obtainable, [may] receipts [and/]or other proof of quantity recycled may 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/trash chutes are located, and must be clearly labeled to indicate the appropriate material(s) to be placed inside for recycling. All solid waste and recycling containers for the collection of solid waste and recyclable materials must be located within reasonable and convenient proximity to all dwelling units, and to any offices,



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clubhouses, recreation facilities, and other uses on-site as recommended by the Department. 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.
- (8) Collectors Servicing Multi-Family Entities.
 - (A) Collectors must collect separate from waste 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 either electronically or 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 telephone 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 Licensed Collector with a valid and current license [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.



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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, including property owners, property managers, whether individuals or entities, and common ownership associations, including boards of commercial condominium associations, 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: cardboard; mixed paper or sorted paper; commingled materials (which may be sorted); yard trim; Christmas trees; [and] scrap metal items; and any other materials designated by the Department through means including, but not limited to, posting on the Departmental website. 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 and upon request, 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] 70% annually, by [volume or] weight.
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] 70% annually, by [volume or] weight, within 60 days from receipt of a written request for a plan from the Department.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Residential and Commercial Recycling	Number: 1-15
Originating Department: DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date:

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] 70% 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] 70% 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.

5. Common ownership commercial properties. The governing body representing owners of a common ownership commercial property must submit a single plan which covers all businesses within that common ownership commercial property that are served by a commonly managed waste and recycling collection system. Any business served by a separate collection system must submit an individual plan covering that business. A plan must demonstrate how the business(es) 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 70% annually, by weight. Each business covered by the plan must maintain a copy of the plan on the premises.

(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.

(C) Contents of plan. The waste reduction and recycling plan must be submitted electronically or 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. Name of all entities affiliated with the business, including any parent and subsidiary business.



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- 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.
 5. Name and telephone 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.



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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.
5. Property owners in common ownership commercial properties. The governing body representing owners of a common ownership commercial property must submit a single waste reduction and recycling report which covers all businesses within that common ownership commercial property that are served by a commonly managed waste and recycling collection system. Any business within a common ownership commercial property served by a separate collection system must submit an individual report covering that business. Each year, the governing body and owners must prepare and submit to the Department, on or before March 1, annual waste reduction and recycling reports covering the previous calendar year.

- (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 telephone number of the licensed collector responsible for collecting the materials to be recycled and sites where materials are delivered.



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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 i]In the event that scale house tickets are not obtainable, [may] receipts [and/]or other proof of quantity recycled may be substituted.
 5. A description of the progress in waste reduction and reuse efforts undertaken by the business.
 6. A description of the property owner's, property management's, business condominium association'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 solid waste and recycling containers for the collection of solid waste and recyclable materials must be located within reasonable and convenient proximity to all buildings and other uses on-site as recommended by the Department. 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[.] and business condominium associations. 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, separate from waste 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



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acceptable then the collector must inform the generator or responsible agent either electronically or 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 telephone number for additional information.

(B) Collectors must provide a copy of their [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 Licensed Collector [County-licensed collection company].

(A) A business, regardless of employee size or type, when contracting for collection service of recyclable materials must use a Licensed Collector with a valid and current license [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.] 48.00.03.04 Administration

(a) Responsibilities of the Department.

(1) Forms. The Department must provide any forms or electronic filing systems, 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



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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.

[Section 5.] 48.00.03.05 Enforcement

These regulations may be enforced in accordance with Montgomery County Code [1994] (2014), as amended, Section 48-49.

[Section 6.] 48.00.03.06 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)] (2014), as amended, and the policies of the County's Comprehensive Solid Waste Management Plan.


 Isiah Leggett
 County Executive

REVIEWED FOR FORM AND LEGALITY.
 OFFICE OF COUNTY ATTORNEY
 BY Judith E. Brooks
 DATE February 11, 2016



Leaders In Quality Apartment Home Living And Service Since 1965.

December 29, 2015

Department of Environmental Protection
Division of Solid Waste
Executive Office Building
101 Monroe St., 6th Fl.
Rockville, MD 20850

RE: Proposed Recycling Regulation Requirements

To whom it may concern:

After reading the proposed regulations, I am pleased to see that we currently following the guidelines set forth for the most part. I do have concerns about our collectors and for them to have a license. Not all, but some are not necessarily a licensed collector with Montgomery County. This would include our landscapers for yard trim waste, independent scrap haulers for metals etc. and contractors whom haul materials to their recycle facilities or stock pile for their own gain.

Then I have concerns with documentation. In many cases, mixed loads are gathered making documenting difficult. We're confident they're being recycled. If licenses are required, then many of the independent haulers would not be able to haul for free or require fees to subsidize the licenses, labor and administrative fees.

The goal is to promote recycling while making it affordable. The counties agenda is to enhance recycling and to document. Our agenda is to find the most effective solution to our waste and recycling needs. To over burdening the current system is not a mutual solution. It will send haulers, businesses and future business away from Montgomery County. Add incentives and keep it simple.

Sincerely,

A handwritten signature in black ink that reads 'Brian L. Imirie'. The signature is fluid and cursive, written over a large, light-colored scribble.

Brian L. Imirie
Procurement Specialist

1950 Old Gallows Rd. Suite 600, Vienna, Virginia 22182
703-902-2000





WRITTEN STATEMENT OF THE APARTMENT AND OFFICE BUILDING ASSOCIATION OF METROPOLITAN WASHINGTON ON THE PROPOSED MONTGOMERY COUNTY EXECUTIVE REGULATION – RECYCLING

JANUARY 14, 2016

The Apartment and Office Building Association of Metropolitan Washington (AOBA) is a non-profit trade association representing more than more than 112,000 apartment units and over 30 million square feet of office space in suburban Maryland, the majority of which, including 57,204 apartment units and 24,809,066 square feet of commercial office space, is in Montgomery County. AOBA is pleased to submit this statement on the proposed Montgomery County Executive Regulation 1-15 on solid waste and recycling.

1. **HIGHER WASTE DIVERSION RATE:** Renumbered sections 48.00.03.03 (b)(3)(B)(1) (multifamily recycling rate) and 48.00.03.03 (c)(5)(A)(4) (commercial recycling rate): ~~Increases current 50% required minimum waste diversion rate to 70%.~~

AOBA COMMENTS AND RECOMMENDATION: AOBA encourages the County to maintain the 50% waste diversion rate currently required by Montgomery County Executive Regulation 15-04AM and delay adoption of a 70% rate for building owners. The County's proposal, while laudable (and likely an attempt to achieve the County's goal of 70% waste reduction by calendar 2020) will raise significant challenges for multifamily and office buildings who struggle with increasing occupant participation, despite efforts by management to implement and market recycling programs. Recycling in residential buildings, for example, can be challenging even for the most well-intentioned property manager. Residential property managers have no control over and limited access to tenant's space, and an inability to meaningfully alter tenant behavior. Commercial building owners can face similar challenges.

Imposing a higher waste reduction rate on building owner/managers will not yield the desired results *absent focused and equal attention on tenant behavior*. This could include for example, developing an incentive or rewards-based recycling pilot programs for multiunit residential properties, the objective of which would be to increase recycling rates in these communities by encouraging residential occupant participation in recycling programs. An individual residential or nonresidential building *might* be able to achieve a 70% rate, but this will likely be difficult, if not impossible to achieve County-wide, absent focused attention on tenant behavior.

The County should also be mindful of the myriad of regulations and laws governing the ability to do business in the County. The cumulative effect of ever-increasing regulations has broad implications for the industry (a property manager's job is as much about managing the property as well as ensuring compliance with an ever increasing list of regulatory requirements), affordable housing, and economic development.

While the relationship between building owners/managers and their Clients is a key component of the County's recycling program, equally vital is the relationship between the County and the private sector. By working together, we can help the County increase the participation in recycling programs among the residents and tenants in our multifamily and commercial office buildings. AOBA members value and recognize the importance of sustainable practices such as recycling and we look forward to working closely with the agency on this important initiative.

2. **MULTIFAMILY PROPERTIES/CONTENTS OF RECYCLING REPORT:** Report must also include a description of efforts to educate residents about property's recycling program. (Renumbered sections 48.00.03.03 (b)(4) **Contents of report:** The annual report must be submitted electronically or on a form provided by the Department and must include tonnages of materials collected for recycling and for solid waste disposal, a description of the multifamily entity's efforts to educate residents about its recycling program, and any changes from the approved recycling plan required under Section 3(b)(3)(B)(2).

AOBA COMMENTS AND RECOMMENDATION: AOBA supports the proposed change which is consistent with best practices in neighboring jurisdictions to educate tenants about recycling programs. AOBA recommends that the new requirement apply to the 2017 reports. **2017 Effective date of change:** As we are approaching the Feb. 1 deadline for the 2016 reports, some owners have already filed, or at least prepared their reports for submission to the agency. As such, AOBA recommends that the proposed change, if adopted, should apply prospectively to the 2017 filing deadline.

BACKGROUND INFORMATION

BEST PRACTICES – RESIDENTIAL RECYCLING INCENTIVE PROGRAM-¹

Mesa, Arizona: The city partnered with Recycle Bank for a single-family program. It does not appear that the Mesa program included apartments.

City of Tempe, Arizona Recycling Pilot Program – Single family and multifamily communities.² (Tempe also offers collection services to businesses).

Grafton, California: Availability: Available to residents and businesses. **Collection services:** Free recycling services to businesses.

Long Beach, California: Long Beach contracted with RecycleBank to develop an incentive program to encourage homeowners and multifamily tenants to increase their recycling practices.

Wilmington, DE-RecycleBank Partnership: “A resident signs up for the Recyclebank® program and receives a recycle container with wheels. On scheduled recycling days, when the Recyclebank® truck picks-up the container, it is weighed and a bar code associated with the residence is scanned. Participants are then credited a certain dollar amount for every pound of recyclables they provide.”³

L.A. will reward recycling through new RecycleBank program: “About 15,000 *single-family homes* in the West Valley and North Central sections of L.A. are eligible for the program, which will begin April 5 after participating residents’ bins have been equipped with identification tags that allow their waste to be weighed and assigns them points that can be redeemed at various retailers.”

Chicago, IL: EPA Awards \$60,000 to City of Chicago for Recycling Projects

College Park, Maryland: Business & Multi-Family Apartment Recycling Grant Program: The City of College Park established a competitive grant program to help businesses and multi-family properties start or expand recycling at their College Park locations. The grants can help businesses meet the new county requirement that all businesses and multi-family properties provide recycling facilities. Eligible projects include: (1) purchase of specialized recycling dumpsters or carts; (2) purchase of compaction equipment, interior storage containers, or related equipment for recycling collection; and (3) recycling infrastructure, such as shared recycling dumpsters, carts, pad sites, and/or enclosures. The grants can cover start-up capital costs for a new recycling program, or other strategies that will create higher levels of recycling. The City

¹**Cities where contract with Recyclebank terminated or expected to end: Morgan Hill, California ends Recyclebank program:** Administrative costs outweighed low participation. Program to end on June 30, 2014.

²**How the Tempe Pilot Program Works:** The program was deployed on March 2, 2011, when the first recycle load was picked up from the pilot areas. Recyclebank provides residents with a computer website (Recyclebank.com) that provides a wealth of information. The website provides residents with their own account that enables them to track their progress, track their carbon footprint and other green actions, and redeem their points locally, thereby keeping their shopping dollars in Tempe. In terms of outreach, Recyclebank’s street team is comprised of four to twelve people who have been going door to door every week; attending activation parties, and providing face to face outreach and education materials to the residents in the pilot program. They are also responsible to provide expertise, education, and recommendations on ways to reduce contamination and improve the quality of recycling materials collected through the program. The pilot program is designed to continue for one year

³ **Wilmington, DE Ordinance authorizing continuation of RecycleBank contract.**

has made available \$25,000 for FY15. Neighboring businesses are encouraged to submit joint applications.

Ann Arbor, MI: Ann Arbor partners with RecycleBank to promote new recycling initiative single-family homes and duplexes

NON-INCENTIVE BASED PROGRAMS

Florida – Special Projects Grants: Special Projects: In state fiscal year 2008-2009, the Florida Legislature funded 14 special projects for local governments. Example: The City of Belle Glade received funding to increase multifamily recycling through increased education along with the purchase and placement of recycling bins, collection and proper management of recyclables.

New York City, NY: Apartment Building Recycling Initiative (ABRI): ABRI is not an incentive-based program but one which is based on a strategic partnership between the city and participating apartment building owners to provide additional outreach and education efforts to help with strategies for increasing recycling rates in apartment communities. Interested residents and property management staff can attend the on-site ABRI training sessions. See also: CIVITAS and the Apartment Building Recycling Initiative.

Houston, Texas: Houston partnered with the Houston Apartment Association to increase number of communities with recycling programs and provide best practices for implementing recycling at apartment communities. Participating communities are designated as **Go Green Communities.**

BEST PRACTICES - WASTE DIVERSION RATES

FEDERAL

A national goal of 35 percent recycling by the Year 2010 was issued by the Environmental Protection Agency (EPA). (For additional background information on EPA's analysis of the 35 percent recycling goal see *Recycling. For the Future: Consider the Benefits* at www.ofee.gov).

SAN FRANCISCO, CALIFORNIA

What prompted San Francisco to push for zero waste? After San Francisco successfully achieved the state-mandated 50% landfill diversion by 2000, San Francisco wanted to extend its commitment to landfill diversion and set a goal of 75% diversion by 2010 and zero waste by 2020.⁴ ***Note that the current 80% waste diversion rate applies to the city and not individual

⁴<http://sfenvironment.org/zero-waste/overview/zero-waste-faq>. See also 10/05/2012 Press release - San Francisco Reaches 80 Percent Landfill Waste Diversion, Leads All Cities in North America

residents and businesses. ~~San Francisco has implemented several initiatives to increase recycling among these groups to allow the city to reach this goal.~~

San Francisco's challenges/Recycling in multifamily communities: What are the biggest barriers the City faces with regards to zero waste? Because more than half of the city lives in apartments, those with trash chutes pose a big challenge. Apartment dwellers must walk recyclables and compostables down to the basement or garage. However, City policy now requires new apartments to provide 3 separate chutes or a 3-way chute diverter to accommodate recycling, composting, and landfill material. The Department encourages property managers to close chutes, but they are often reluctant to do so for fear of "decreasing services."⁵

DISTRICT OF COLUMBIA

Goal: Increase the citywide recycling rate. BY 2032, achieve a total waste diversion rate (recycling, composting and conversion) of 80%.⁶

Conflicting statutory mandate: In 2014, the District adopted the Waste Management Modernization Amendment Act of 2014, effective Feb 26, 2015 ("2014 Act"), which repealed language that required the District to meet a waste diversion rate. See repealed DC Official Code § 8-1006(a) ("The Mayor shall adhere to recovery targets for recyclable materials which shall include, at a minimum, the following schedule: ... (4) the recycling rate of at least 45% of the total solid waste stream of the District by October 1, 1994.") The 2014 Act did include new language establishing a waste diversion goal for electronic recycling. See DC Official Code § 8-1041.02. District covered electronics waste diversion goal. ("In implementing this chapter, the District shall strive to divert at *least 80% of covered electronic equipment waste*, estimated based on best available information, to be generated in the District annually from landfill or incineration through recycling or reuse *by 2032*, and to ensure electronics manufacturer responsibility for the recycling of covered electronic equipment waste.")

STATE OF MARYLAND

MD. Environmental Ann. Code § 9-1706.1. Statewide goals for recycling rates and waste diversion

- (a) **Waste diversion.** --There is a voluntary statewide waste diversion goal of 60% by the year 2020.
- (b) **Recycling.** --There is a voluntary statewide recycling goal of 55% by the year 2020.
- (c) **Accomplishment.** --The goals in subsections (a) and (b) of this section may be accomplished through the cooperative efforts of waste generators, State agencies, local

⁵ See footnote 4.

⁶ Sustainable DC plan, page 94.

governments, the waste industry, the recycling industry, environmental groups, boards of education, and other interested parties.

Montgomery County, Maryland: Comprehensive Solid Waste Management 10 Year plan - 2012-2023, March 2015, Division of Solid Waste Services, Montgomery County, Maryland,

- Page 5-39. 5.2.1.8 Recycling and Waste Reduction Programs. J. Plan of Action: Recycling and Waste Reduction Programs: As of the end of 2012, the residents and businesses of Montgomery County had achieved a recycling rate of approximately 54.8 percent. www.montgomerycountymd.gov/council/Resources/Files/REPORTS/Comprehensive10yrPlan.pdf
- **Montgomery County Executive Regulation 7-12:** Establishing a County goal of 70% for waste reduction by Calendar Year 2020.

Prince George's County, Maryland Sec. 21-142(d) The goals of the Countywide recycling program established in this Division are to achieve a recycling rate in the County waste stream of at least forty-five percent (45%) by July 1, 2015; at least fifty-five percent (55%) by July 1, 2018; at least sixty (60%) by July 1, 2020.

COMMONWEALTH OF VIRGINIA

Va. Ann. Code § 10.1-1411. D. Each solid waste planning unit shall maintain a minimum recycling rate for municipal solid waste generated within the solid waste planning unit pursuant to the following schedule: 1. Except as provided in subdivision 2, *each solid waste planning unit shall maintain a minimum 25 percent recycling rate*; or 2. *Each solid waste planning unit shall maintain a minimum 15 percent recycling rate* if it has (i) a population density rate of less than 100 persons per square mile according to the most recent United States Census, or (ii) a not seasonally adjusted civilian unemployment rate for the immediately preceding calendar year that is at least 50 percent greater than the state average as reported by the Virginia Employment Commission for such year.

Historical Recycling Rate Data (1991 - 2013)	
2013 - 41.2%⁸	2005 - 32.2%
2012 - 41.5%	2004 - 29.8%
2011 - 43.5%	2003 - 30.3%
2010 - 40.5%	2002 - 36.8%
	2001 - 37.8%
2009 - 38.6%	2000 - 32.9%*
2008 - 38.5%	1995 - 35.0%
2007 - 38.5%	1993 - 33.4%
2006 - 38.4%	1991 - 19.7%

City of Alexandria Achieves 48% Recycling Rate: The City of Alexandria has achieved its highest recycling rate ever! The Virginia Department of Environmental Quality (DEQ) has approved the City's 2014 Recycling Rate Report that documents a municipal solid waste recycling rate of 48.8 percent.⁹

BEST PRACTICES --RECYCLING EDUCATION

DISTRICT OF COLUMBIA: 21 DCMR 2021 RECYCLING REQUIREMENTS FOR PREMISES NOT ELIGIBLE FOR DPW COLLECTION SERVICES

- 2021.3 Each owner of commercial property shall, at least once a year, notify any tenants or occupants of the property of the legal requirement that certain materials be separated for recycling, the types of materials to be separated, how and where recyclables shall be taken in order to be collected for recycling, and the name and contact information of any recycling coordinator for the property.
- 2021.4 Each owner of commercial property shall post and maintain at least one (1) sign where solid waste is collected or stored that sets forth what materials are required to be source separated and states the collection procedures for such materials, and shall post at least one (1) sign at containers where recyclables are collected stating what materials may properly be placed in them. The owner may provide through the lease agreement that an occupant shall also be responsible for posting and maintaining such signs, in which case the occupant shall also be responsible for meeting the requirements of this subsection. Notwithstanding the existence of such a lease agreement, the owner is responsible for complying with this regulation except where the Director determines that there are circumstances that

⁷<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/RecyclingandLitterPreventionPrograms/MandatoryRecyclingRates.aspx>

⁸ 2013 Virginia Annual Recycling Report

<http://www.deq.virginia.gov/Portals/0/DEQ/Land/RecyclingPrograms/2013%20recycling%20rate%20report%20Final.pdf>

⁹ <http://www.alexandriava.gov/Recycling#CityofAlexandriaAchieves48RecyclingRate>

warrant holding an occupant liable for compliance. The Director may issue a notice of violation to an occupant or to the owner.

*****The District repealed the requirement to file a recycling plan in /2010.**** The District wanted to focus less on recycling rates and plans and more on the materials actually being recycled.¹⁰

Prince George's County, Maryland: Multifamily and commercial office buildings are required to file annual reports. However, the County does not require these owners to describe their recycling program in the report. See Prince George's County Code §§ 21-149 (e)(residential properties) and 21-149.01(d)(commercial properties).

City of Alexandria Sec. 51-94(b)-tenant/employee/client notification: Setting forth notification requirements applicable to property management companies and others for new tenant. The written notification must include.

Arlington, VA: Sec. 10-33 Reporting requirements: Initial and updated recycling plans for multifamily and commercial establishments must include a description of educational and outreach activities. **Sec. 10-35 Education requirements:** Mandating written or electronic notice regarding use and participation in the property's recycling system within 14 days of tenant occupancy and at least annually thereafter.

Fairfax County, VA: §§ 109.1-2-2 (recycling at residential properties) and 109.1-2-3 (recycling at non-residential properties) mandating occupant notification regarding the use and participation in the recycling system upon occupancy and at least once annually thereafter.

¹⁰ December 17, 2010 Notice of Final Rulemaking; See also repealed 21 DCMR 2021.3 Each owner or occupant responsible for the separate removal of recyclable materials at a commercial property shall execute and submit to DPW for approval a recycling plan to include, at a minimum, the following: (a) A binding contract with a registered recycling hauler; or a written self-implementing plan for the removal of recyclables in compliance with this section; (b) The commodities to be recycled; (c) The frequency of the collection of recyclable commodities; (d) The name and phone number of the property's designated recycling coordinator; (e) The square footage of the property; (f) The number of units within the building, if the property is an apartment building, condominium, or cooperative; and (g) The number of full-time and part-time employees employed at the property.