

CHAPTER 1

RULES GOVERNING SOLID WASTE MANAGEMENT

This Comprehensive Solid Waste Management Plan (the “SWMP”) for the succeeding ten-year planning period of 2025 - 2034 sets forth the policies, goals, and plans for managing solid waste in Montgomery County, Maryland (the “County”). The Recycling and Resource Management Division (RRMD) of the County’s Department of Environmental Protection (DEP) prepared this SWMP in accordance with Title 9, Subtitle 5 of the Environment Article, Annotated Code of Maryland and the Code of Maryland Regulations (COMAR) 26.03.03.

Chapter 1 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

Appendix A defines the acronyms and solid waste terms used in this chapter and throughout this document.

1.1 Authority and Purpose

Maryland State law authorizes the 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 “SWMP” for the entire County, including all towns, municipal corporations, and sanitary districts. The SWMP 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 SWMP must be reviewed and updated at least once every three years. When deemed necessary by the County Executive or the County Council, the County Executive must prepare an amendment to the SWMP.

The SWMP describes the County’s programs for providing comprehensive management of the solid waste generated by residential (including single-family and multi-family), commercial, institutional, industrial, and agricultural sectors in the County for the succeeding ten-year planning period of 2025 - 2034. The SWMP establishes the framework for current solid waste management activities and future programs implemented.

1.2 Goals, Objectives, and Policies for Solid Waste Management

*Thrive Montgomery 2050 (Thrive)*¹ establishes goals, priorities, and recommendations for guiding short—and long-range land use planning in Montgomery County. This General Plan has three overarching objectives: economic competitiveness, Racial Equity and Social Justice, and Environmental Health and Resilience. This General Plan also prioritizes policies and practices that address climate mitigation, adaptation, and the creation of community resilience. It supports improvements in the County's organic waste management systems, including food scraps composting and other natural solutions to address climate change. It supports alternative clean energy generation, distributed energy, grid modernization, improved composting and food scraps recovery, and advances in other circular economy initiatives.

The County's solid waste management programs and policies have created a system that exceeds the State's established recycling goals. The County strives to reduce the solid waste remaining for disposal. The specific strategies to attain the goals of the Plan take into account the priorities and recommendations given by *Thrive* and are included in Chapter 5. Below are the overarching goals:

- 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.
- The County must undertake all waste reduction measures to the extent practical and feasible.
- All waste reduction and recycling measures implemented should use proven technologies, systems, and markets. The cost of these measures should be competitive with other recycling and waste disposal measures. Technology, markets, and cost-effectiveness are reviewed regularly to evaluate opportunities to increase recycling and reduce the disposal of waste.
- The County's Resource Recovery Facility will be the County's primary disposal method until at least April 2026.

1.3 County Government Structure

The County is a charter county of Maryland with an eleven-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.

¹ <https://montgomeryplanning.org/wp-content/uploads/2023/06/THRIVE-Approved-Adopted-Final.pdf>

Figure 1.1 Montgomery County, Maryland Functional Organization Chart



1.3.1 Primary Solid Waste Management Responsibility

The day-to-day management of the County's solid waste management system and planning for solid waste management are the responsibilities of County 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 RRMD ensures that all municipal solid waste is handled correctly and disposed of by enforcing 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, and the Division of Animal Services contracts for collecting and disposing of dead animals. 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.

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.

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 SWMP.

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 SWMP. Pursuant to 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 SWMP to M-NCPPC for their recommendations at least 30 days before the date set for the public hearing on the SWMP.

The County Council requested M-NCPPC comments on January 8, 2025; comments were subsequently received on February 5, 2025, and are incorporated in this final version of the SWMP.

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 to 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 SWMP for recommendation to WSSC Water at least 30 days before the date set for the public hearing on the SWMP. The County Council requested WSSC Water comments on January 8, 2025; comments were subsequently received on March 19, 2025, and incorporated in this final version of the SWMP.

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 General Assembly of Maryland created the Northeast Maryland Waste Disposal Authority (NMWDA) 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 solid waste disposal.

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 materials, and recycling activities.

By 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 state's solid waste laws and regulations.

1.4.1 Federal Laws and Regulations

Resource Conservation and Recovery Act (RCRA) of 1976

As amended, this Act's primary objective 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, ensuring that hazardous waste is handled to protect human health and the environment.

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

Establishes programs for identifying and remediating waste disposal sites containing hazardous substances; establishes standards for clean-up efforts and waste disposal; 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.

Code of Federal Regulations (CFR), TITLE 40, SUBCHAPTER I

Provided below are federal regulations related to solid waste management including municipal solid wastes (non-hazardous wastes) and hazardous wastes.

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.

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- 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 of Hazardous Waste Disposal Sites

Establish minimum national standards for the recyclable materials used in a manner that constitutes 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 waste disposal. Title 9 of the Environment Article contains provisions for the planning and permitting 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 that 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 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 including the SWMP;
- Section 9-1708 establishes requirements for a natural wood waste recycling facility.
- The Natural Resources Article also contains several sections related 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 CHS.

The text below lists the relevant sections (alphabetical order and year) of the Annotated Code of Maryland and other state regulations affecting 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. It 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 electronic 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.

Expanded Polystyrene Food Service Products Ban (2020)

Bans the sale and use of food service products composed of expanded polystyrene.

Fluorescent and Compact Fluorescent Light Recycling (2010)

An Act requiring a county recycling plan to address the strategy for the collection and recycling of fluorescent and compact fluorescent lights that contain mercury.

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)

This Act 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)

The Maryland Environmental Service was created 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 Siting Law (1994)

This law describes the requirements for public hearings regarding landfill siting, addresses permitting and security requirements, and explains the requirements for submitting plans and documents necessary to conduct a technical review and approve proposed facilities.

Maryland Landfill Financial Assurance Law (1997)

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

Maryland Nonpoint Source Pollution Control Laws (1990-1994)

Allows counties and soil conservation districts to adopt criteria and procedures to implement soil erosion control programs and counties and municipalities to implement stormwater management programs.

Maryland Recycling Rate and Diversion Goal (2012)

This law amends the 1988 Maryland Recycling Act by requiring solid waste management plans to include a recycling plan that achieves an increase in the countywide recycling rate of 20% (counties with populations below 150,000) and 35% (counties with populations above 150,000) of the county's solid waste stream by December 31, 2015. The law also establishes a voluntary state-wide waste diversion goal of 60% and the method for calculating county diversion rates.

Maryland Recycling Act (2021)

House Bill 280 (2021) altered the definition of "recyclable materials" under the Maryland Recycling Act to exclude incinerator ash; repealing the authority of a county to utilize a resource recovery facility to meet a certain percentage of the waste reduction required to be achieved through recycling in the county's recycling plan; making conforming changes; and generally relating to the Maryland Recycling Act.

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 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 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).

Medical Waste Legislation (1988)

The state regulates the identification, record keeping, treatment, transport, and disposal of special medical wastes and prohibits infectious wastes in solid waste and landfills.

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.

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.

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.

Northeast Maryland Waste Disposal Authority Sunset Act (2023)

This bill terminates the NMWDA's bond authority. HB161 (2023) also required a study of the NMWDA by each of the Department of Legislative Services (DLS) and the MES. DLS also had to prepare certain draft legislation that, if enacted, would lead to the dissolution of the NMWDA. The draft legislation that DLS was to prepare would also require (1) MES to temporarily assume the functions, employees, and contracts of NMWDA during any merger until the entity with which NMWDA merges is prepared and ready to assume those functions, employees, and contracts and (2) an entity that assumes a portion or all of the functions, employees, or contracts to establish a system for maintaining stakeholder engagement. HB161 (2023) took effect June 1, 2023.

Organics Waste, Organics Recycling, Collection, and Acceptance for Final Disposal (2019)

This Act prohibits the owner or operator of a refuse disposal system from accepting loads of separately collected organic waste for final disposal unless the owner or operator provides organic recycling.

Organics Recycling and Waste Diversion - Food Residuals (2021)

The Act requires large food scraps generators to divert food scraps from disposal if the food generators are located within 30 miles of an organics recycling facility with the capacity and willingness to enter into a contract.

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 collecting, processing, marketing, and disposing 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)

This act provides that a person may operate a composting facility only under 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 – Office Buildings (2019)

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

Recycling Market Development (2021)

The Act requires the Office of Recycling of MDE to promote the development of markets for recycled materials and products in the State. Also, it requires MDE to evaluate the availability of certain markets and identify businesses in the State that use recycled materials.

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.

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.

Statewide Recycling Needs Assessment and Producer Responsibility for Packaging Materials (2023)

This Act alters the definition of “Organics Recycling” to include the processing of certain compostable packaging materials in a certain manner. MDE is required to approve a certain producer responsibility organization for certain purposes on or before a certain date.

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 the environmental impacts of materials management, conserve in-state disposal capacity, optimize resources, and create an environmentally and economically sustainable materials management system.

Water and Sewage Plan Act (1983)

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

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

- Food Residuals - Organics Recycling and Waste Diversion (COMAR 26.04.13) Organics Recycling and Waste Diversion. The regulations implement House Bill 264/Senate Bill 483 of 2021 and establish certain regulatory conditions for persons required to divert food residuals from final disposal in a refuse disposal system. The new regulations became effective on December 26, 2022.
- 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.

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 burning 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 the disposal of carcasses of animals killed 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, stormwater 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 burning 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 solid waste collection, transportation, and disposal (Sections 48-5, 48-19, 48-22) and authorizes the County to establish service and disposal facilities (Section 48-8). Specifically, it provides for establishing refuse collection districts (Section 48-29).

Article V of Chapter 48 requires the County Executive to develop a recycling program, which County Executive Regulation may establish. The regulations set the recycling goal for the County’s recycling program and how the recycling rate 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 collecting, processing, and marketing recyclables.

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 Trash

Solid Waste (Trash) Bills

- Bill 41-14 - Food Service Products – Packaging Materials – Requirements
- Bill 28-16 - Strategic Plan to Advance Composting, Compost Use, and Food Waste Diversion
- Bill 32-20 - Waste Reduction/Source Reduction and Single-Use Straws
- Bill 33-20 - Food Service Products Packaging Materials
- Bill 6-20 - Release of Balloons Prohibited –Prohibited Release of Balloons
- Bill 32-20 - Waste Reduction/Source Reduction and Single-Use Straws – Requirements
- Bill 33-20 - Food Service Products Packaging Materials

Chapter 59 (Zoning)

This document defines solid waste facilities and provides a list of land use zones in which they are permitted by right or special exception.

⁴ [Montgomery County Executive Regulations](#)