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COMCOR - Code of Montgomery County Regulations

CHAPTER 48. SOLID WASTES — REGULATIONS

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COMCOR 48.00.01 Hauler and Collector Reporting**48.00.01.01 Definitions**

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

(a) "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 products for reuse.

48.00.01.02 Reporting Requirements of Collectors and Haulers Collecting, Hauling, or Transporting Solid Waste or Recycling:

(a) General. A collector or hauler collecting, hauling, or transporting solid waste or recycling must submit semi-annual reports to the Department, on forms provided by the Department, describing the amount and type of solid waste or recycling collected, hauled or transported. Collectors and haulers must maintain documentation supporting all submitted information for five years.

(b) Reports. Reports must be on forms provided by the Department and must contain the following information:

- (1) The collector's or hauler's name and contact information;
 - (2) The amount, and type of solid waste or recycling collected by type of solid waste or recycling and type of generator (residential, multi-family, or non-residential);
 - (3) Name and location of the facilities at which the collector or hauler delivered solid waste or recycling during the reporting period and indicate the type and quantity of solid waste recycling delivered to each facility.
 - (4) A signed acknowledgment that, to the best of the collector's or hauler's information, knowledge and belief, the information provided in the report is correct.
- (c) Report schedule. A collector or hauler must submit semi-annual reports to the Department as follows:

<u>Reporting Period</u>	<u>Report Due Date</u>
January 1 - June 30	August 1
July 1 - December 31	February 1

48.00.01.03 Administration.

Responsibilities of the Department.

- (a) Forms. The Department will provide the report forms 30 days prior to the due date.
- (b) Verification of information. Upon request from the Department, the collector or hauler must, within 30 days, provide to the Department, or an agent of the County, copies of all documentation supporting the reports required by this regulation or provide access to the Department or its representatives to examine all records supporting the information collected and reported in 48.00.01.02 or otherwise required to be maintained by Chapter 48, including the name, address and telephone number of all facilities receiving collected/hailed solid waste for disposal or recycling and quantities deposited at each facility.
- (c) Confidentiality. Subject to applicable law, the Department must maintain the confidentiality of any information required to be provided in these regulations that identifies a collector or hauler providing a report or supporting documentation. The Department must not, unless required by law to do so, disclose any information provided by a collector or hauler. This requirement does not prohibit the Department from using this information in preparing a summary of analysis of waste reduction and recycling activities in the County.

48.00.01.04 Enforcement

These regulations may be enforced in accordance with Section 48-49 of the Montgomery County Code 2004, as amended.

48.00.01.05

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 (2004), as amended, and the policies of the County's Comprehensive Solid Waste Management Plan.

(Administrative History: Reg. No. [5-13AM](#) (Method 2); Orig. Dept.: Environmental Protection;

supersedes: Reg. No. 58-92AM.)

COMCOR 48.00.02 Control of Refuse Collection Noise

48.00.02.01 Definitions for the Purposes of this Regulation

A. “Refuse Collector” means the owner and/or operator of a refuse collection vehicle or operation who collects refuse in Montgomery County, Maryland.

B. “Refuse Collection” means the operation whereby refuse is gathered and/or handled, by any means, placed and/or compacted in a refuse collection vehicle prior to disposal at an authorized location.

C. “Refuse Collection Vehicle” means any vehicle that can operate on public roads, and is used for the express purpose of transporting refuse from one location to another.

D. “Holiday” means the existing Federal holidays and any other holiday subsequently generated.

E. “Weekday” means any days other than Sundays or holidays.

F. “Refuse” means ashes, garbage, paper, paper products, rubbish, trash, junk, industrial wastes, plastics, glass, dead animals and all other solid waste materials, including salvable waste. It shall include but not be limited to combustible and non-combustible construction debris, trees, stumps, slash, metal, cans and all solid wastes generated by any or all public and private establishments and residences.

G. “Director” means the Director of the Department of Environmental Protection.

H. “Business Establishment” means any commercial, industrial, institutional or other non-residential use.

I. “Collection Point” means the point at which refuse is stored awaiting pick up.

48.00.02.02 Control and Prohibition of Excessive Noise from Refuse Collection Vehicles and Operations

No refuse collector shall collect refuse in Montgomery County prior to 7:00 a.m. not continue collection operations after 9:00 p.m. on any weekday. On Sundays or holidays, collection of refuse is prohibited prior to 9:00 a.m. and after 9:00 p.m. The Director may waive these restrictions in the event of a civil emergency for a period of 72 hours or less.

This regulation shall not apply to refuse collection from business establishments, provided that there are no occupied residential structures within 500 feet of the collection point.

48.00.02.03 Penalty

Violations of this regulation shall be a misdemeanor, punishable under Section 48-30 or shall constitute cause for a suspension or revocation of the collector's license under Section 48-27 or both. Either the licensed collector or the operator of any collection vehicle or both, may be charged hereunder.

48.00.02.04 Effective Date

There is hereby declared to be an emergency with regard to establishing these regulations governing the control of refuse collection noise. These regulations shall take effect immediately.

(Administrative History: Reg. No. 69-84; Orig. Dept.: Environmental Protection)

COMCOR 48.00.03 Residential and Commercial Recycling

48.00.03.01 Definitions

Terms defined herein are for purposes of this Regulation only. The terms used are as defined in Chapter 48 of the Montgomery County Code or 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, jars and jugs, plastic 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.

(e) “Director” means Director of the Montgomery County Department of Environmental Protection 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 business, entity, or institution at, from, or by which solid waste is generated.

(i) “Licensed Collector” means a collection company that has a license to collect and transport recyclable solid waste in the County.

(j) “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) “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, newspaper and inserts, magazines, catalogs, telephone directories, books, unwanted mail, and other clean, dry paper.

(l) “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) “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) “Recycling plan” means a plan describing a program for source reduction and recycling.

(o) “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) “Solid waste stream” means solid waste as defined in Section 48-1 of the Montgomery County Code from the point of generation to disposal.

(q) “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) “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 for reuse or recycling.

(s) “Unavailable” means non-existent.

(t) “Unit” means individual housing unit or business unit.

(u) “Waste reduction/source reduction” means reducing the amount of waste generated at the source or point of generation.

(v) “Yard trim” means leaves, grass, garden trimmings, and brush.

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 participating 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 48.00.03.03 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;

(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.

48.00.03.03 Solid Waste, Waste Reduction and Recycle 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; 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 (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. Any loose food or liquid must be removed.

(C) Yard trim. Grass and leaves must be placed in containers or large paper bags labeled “yard trim”. Containers or bags must not exceed 45 gallons in volume and 60 pounds by weight. Brush must not exceed 4 inches in diameter and 6 feet in length, and must be placed in labeled containers or paper bags or tied in bundles no greater than 36 inches in diameter. Plastic bags must not be used to contain any yard trim or Christmas trees. Christmas trees must have all ornaments and metal objects removed.

(3) Solid Waste and Recycling Collection requirements..

(A) Location. Materials for solid waste and recycling collection 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 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 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 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”). This section is not applicable to facilities receiving collection as described in (a) or to businesses covered under (c).

(2) Multi-family entities and residents must recycle. Materials which are required to be recycled are: cardboard; mixed paper; commingled materials; yard trim; Christmas trees; 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 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 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 70% annually, by weight, for each facility. Multi-family 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 70% annually, by 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 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 48.00.03.03(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. In the event that scale house tickets are not obtainable, receipts 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, 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, 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.

(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.

(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 48.00.03.03(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; 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 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 70% annually, by 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 70% annually, by weight, within 60 days from receipt of a written request for a plan from the Department.

3. Property owner of multi-tenant facilities. Owners of multi-tenant facilities must file a waste reduction and recycling plan covering facilities in their entirety, and including information for all tenants, demonstrating how the businesses will recycle or reduce the amount of waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 70% annually, by 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 70% annually, by 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 premises.

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. Names of all entities affiliated with the business, including any parent and subsidiary business.
 - c. Number of full-time and part-time employees.
 - d. Number of square feet occupied by the business.
 - e. The activities conducted by the business.
2. A description of the business' current solid waste generation, including:
 - a. Estimated tonnage of all solid waste produced.
 - b. Identification of recyclable solid waste defined in subsection (c)(3) above.
3. A description of the business' waste reduction and recycling methods.

4. Name(s) of the person(s) responsible for coordinating recycling and waste reduction activities, preparing the annual report, and for responding to the Department on actions concerning implementation and enforcement of these regulations.

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.

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.

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. In the event that scale house tickets are not obtainable, receipts 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 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, 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 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.

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

(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.

48.00.03.04 Administration

(a) Responsibilities of the Department.

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

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

48.00.03.05 Enforcement

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

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 (2014), as amended, and the policies of the County's Comprehensive Solid Waste Management Plan.

(Administrative History: Reg. No. 1-15 (Method 1); Superseding Reg. No. 15-04AM, which superseded Reg. No. 109-92AM; Orig. Dept.: Environmental Protection)

COMCOR 48.00.04 Solid Waste Collection and Disposal Districts *

***Editor's note**—This regulation also implements Montgomery County Council Resolution No. 12-944

48.00.04.01 Definitions

The terms used are as defined in Chapter 48 of the Montgomery County Code and as defined in this section:

(a) "Independent Collection Contractor" means any collector or hauler licensed under Chapter 48 to transport solid waste who has been authorized by agreement with the County to collect solid waste from single and double family dwelling units and multiple group dwellings with fewer than seven units within

the collection and disposal district.

(b) "Independent Collection Contractor Authorization" means the authorization of a collector or hauler to collect solid waste on behalf of the County from single and double family dwelling units and multiple group dwellings with fewer than seven units within the collection and disposal district pursuant to a Memorandum of Understanding entered into between the collector or hauler and the County.

(c) "Solid Waste Management Charge" means solid waste disposal charge plus recycling charge and recycling collection charge.

(d) "Transfer Station" means the Montgomery County Transfer Station located in Derwood, Maryland.

48.00.04.02 Creation of Subdistricts

Under Council Resolution 12-944, the entire County became a solid waste collection and disposal district. This regulation hereby divides the countywide collection and disposal district into two subdistricts to be known as Subdistrict A and Subdistrict B.

(a) Subdistrict A consists of the collection and disposal district as it existed on March 31, 1993, and as may be amended from time to time as areas within the County are included in or excluded from Subdistrict A.

(b) Subdistrict B consists of the remainder of the County, exclusive of municipalities, that is not included within Subdistrict A.

(c) A map showing Subdistricts A and B is attached hereto as Exhibit A. Any changes to Subdistrict A or B must be reflected on maps maintained in the Department of Environmental Protection.

48.00.04.03 Solid Waste Collection

Only the county or its contract agent may collect solid waste from single or double-family dwelling units or multiple-group dwellings comprised of no more than six dwelling units. The county and its contract agent are responsible for solid waste collection from the single and double-family dwelling units and multiple-group dwellings with fewer than seven dwelling units within the solid waste collection and disposal district.

(a) Within Subdistrict A the County must provide, or cause to be provided, collection services one or more times per week. If the County provides, or causes to be provided, collection services one time per week for solid waste that is to be disposed of, and a resident desires more frequent collection for disposal, the County may authorize Independent Collection Contractors to provide additional collection services on behalf of the County. The Independent Collection Contractor may then enter into an agreement with a resident for additional collection beyond that which is otherwise provided.

(b) Within Subdistrict B the County must provide, or cause to be provided, collection services one or more times per week. The County may provide collection services through an Independent Collection Contractor. The Independent Collection Contractor may enter into agreements with residents within Subdistrict B.

48.00.04.04 Solid Waste Disposal

Solid waste that is collected from residences within the solid waste collection and disposal district is collected on behalf of the County and must be delivered to the Transfer Station. The County bills

residences within the Collection and Disposal District for the Solid Waste Charge. Independent Collection Contractors will not be required to pay a tip fee at the Transfer Station provided that they are not in breach of the Independent Collection Contractor Authorization and must not, in any event, bill residences within the Collection and Disposal District for any portion of the Solid Waste Charge.

48.00.04.05 Application to be an Independent Collection Contractor

(a) Who may apply. Any company or person engaged in or to become engaged in the business of collecting solid waste as a licensed collector or hauler under Montgomery County Code 1984, as amended, section 48-19 may apply to be an Independent Collection Contractor. Only licensed collectors may be Independent Collection Contractors, provided that the person or company has not had a Memorandum of Understanding for Independent Collection Contractor Authorization terminated for default within the preceding twelve months and further provided that the collector is not in default of payment of any charges billed at the Transfer Station.

(b) How to apply. To become an Independent Collection Contractor, a collector must submit to the Montgomery County Department of Environmental Protection a completed and executed Memorandum of Understanding for Independent Collection Contractor Authorization. The Memorandum of Understanding must not be modified unless such modifications have been approved by the Department of Environmental Protection and the County Attorney's Office. Upon execution of the Memorandum of Understanding by the Director of the Department of Environmental Protection, the collector will become an Independent Collection Contractor authorized to collect solid waste on behalf of the County from residences included in the Solid Waste Collection and Disposal District in accordance with the terms of the fully executed Memorandum of Understanding.

Editor's note—This regulation does not contain a paragraph (c) in Sec. 5.

(d) Effective Date. Effective August 31, 1993, any collector who desires to collect solid waste for disposal from residences within Subdistrict B of the Solid Waste Collection and Disposal District must submit an executed Memorandum of Understanding for Independent Collection Contractor Authorization.

(e) Term. Provided that a collector is operating under a valid license issued under Montgomery County Code 1984 as amended, section 48-19, an Independent Collection Contractor Authorization is valid for one year from the date of execution of the Memorandum of Understanding by both the Independent Collection Contractor and the County, unless earlier terminated in accordance with the terms of the Memorandum of Understanding.

48.00.04.06 Prohibition Against Commingling of Waste

Solid waste generated at residences within the Countywide Collection and Disposal District must not be commingled with solid waste generated by or at any other source. In addition to remedies available for breach of the Memorandum of Understanding, if an Independent Collection Contractor delivers a load of solid waste from residences within the Solid Waste Collection and Disposal District which is commingled with solid waste from sources outside of the Solid Waste Collection and Disposal District, the County may take enforcement action available for breach of County law or regulation.

48.00.04.07 Notice to Customers

All collectors within the County collecting solid waste from residences within Subdistrict B of the Solid Waste Collection and Disposal District must provide the following notices to their customers, as stated below, or with equivalent alternative language acceptable to the Department of Environmental

Protection.

For existing customers the collectors must by August 31, 1993, notify residences within Subdistrict B of the Solid Waste Collection and Disposal District.

EFFECTIVE WITH THE 1994 FISCAL YEAR BEGINNING JULY 1, 1993, YOUR HOUSEHOLD IS INCLUDED IN SUBDISTRICT B OF THE COUNTY'S SOLID WASTE COLLECTION AND DISPOSAL DISTRICT. EXCEPT FOR THE COLLECTION SERVICE PROVIDED BY OUR COMPANY, YOU WILL PAY FOR ALL SOLID WASTE SERVICES WITH YOUR TAX BILL. THIS REDUCES OUR COSTS BECAUSE AS OF SEPTEMBER 1, 1993, THE COUNTY WILL NO LONGER CHARGE OUR TRUCK A DISPOSAL FEE. THE COUNTY IS REQUIRING US TO ASSURE YOU THAT OUR BILLING COSTS TO YOU DO NOT INCLUDE ANY COUNTY DISPOSAL FEES. THE IMPACT OF THIS CHANGE ON YOUR BILL WILL BE: (fill in statement of billing impact).

For new customers prior to commencement of service:

YOUR HOUSEHOLD IS INCLUDED IN SUBDISTRICT B OF THE COUNTY'S SOLID WASTE COLLECTION AND DISPOSAL DISTRICT. EXCEPT FOR THE COLLECTION SERVICE PROVIDED BY OUR COMPANY, YOU PAY FOR ALL SOLID WASTE SERVICES WITH YOUR TAX BILL. THIS REDUCES OUR COSTS BECAUSE THE COUNTY DOES NOT CHARGE OUR TRUCK A DISPOSAL FEE. WE ARE REQUIRED BY THE COUNTY TO ASSURE YOU THAT OUR BILLING COSTS TO YOU DO NOT INCLUDE ANY COUNTY DISPOSAL FEES.

48.00.04.08 Enforcement

This regulation may be enforced in accordance with Montgomery County Code 1984 as amended, section 48-30.

48.00.04.09 Severability

If any portion of this regulation is found to be invalid by a court of competent jurisdiction, the remainder of this regulation will remain in effect.

48.00.04.10

This regulation must be construed liberally to permit the department to effectuate the purposes of Chapter 48 and the County's Comprehensive Solid Waste Management Plan including council resolution 12-944.

(Administrative History: Reg. No. 47-93 (Method 2); Orig. Dept.: Environmental Protection; Supersedes: Reg. No. 47-93E; Sunset Date: June 30, 1995)

[CLICK HERE TO VIEW EXHIBIT A.]

COMCOR 48.00.05 Collection, Transportation, and Disposition of Solid Waste

48.00.05.01 Definitions

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

(a) "Acceptable for Disposal" means solid waste excluding recyclables which is otherwise appropriate for handling at a solid waste acceptance facility.

(b) “Recyclables” means materials of the type required to be recycled pursuant to any regulation issued under Chapter 48.

(c) “Disposal Facility” means the Montgomery County Transfer Station or any location operated by the County which accepts solid waste for disposal.

(d) “Recycling Facility” means a facility which is able to accept and process recyclable materials in accordance with customary standards and applicable law.

(e) “Registration” means, for the purposes of this regulation, a permit issued for a vehicle authorized to transport or collect solid waste.

48.00.05.02 Collection

(a) Collectors must separately collect waste set out for disposal from materials set out in separate containers for recycling collection. If the same vehicle is used to collect both types of waste (e.g. split body) then the separation must be maintained during collection, transportation and off-loading at respective Disposal and Recycling Facilities.

(b) Any Collector who observes, or reasonably should have observed, recyclables in solid waste that have been set out for disposal must, notify the customer responsible by mailing notice of the problem to the customer on the same or following business day and on the same day mail a copy of the customer notice to the Department. In lieu of mailing copies to the Department, collectors having credit accounts with the Department may file electronic reports using their billing account on the Department’s web site in a format specified by the Department for that purpose, but only if the collector transmits the electronic notice no later than the next business day following the date of the incident and provided that the collector retains paper copies of electronic notices for inspection by the County for at least three years at the collector’s place of business. Each such notice under this paragraph, whether written or electronically transmitted, must be in a format designated by the Department, indicate the service location, name of the responsible agent notified, date of the offending observation, specific type of recyclables observed, suggested remedy, and a collector contact name and phone number for additional information.

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

48.00.05.03 Disposal of Recyclables

(a) Haulers, collectors and other persons must deliver solid waste acceptable for disposal only to disposal facilities.

(b) Haulers, collectors and other persons must not deliver solid waste acceptable for disposal to any recycling facility.

(c) Haulers, collectors and other persons must deliver recyclables acceptable for recycling only to recycling facilities.

(d) No hauler, collector or other person, may deliver for disposal to any solid waste acceptance facility any solid waste that is acceptable for recycling.

48.00.05.04 Recyclable Waste Banned from Disposal at County Solid Waste Acceptance Facility

(a) All loads brought to a County acceptance facility may be subject to inspection.

(b) Collectors who deliver for disposal recyclables mixed in with a load of material otherwise acceptable for disposal, must, immediately upon request, identify to the transfer station attendant the name(s) and corresponding service location(s) it will be sending notices to under 48.00.05.02(b), above related to the subject load.

(c) At any time during its collection or off-loading activities, upon the request of the Director, collectors must immediately provide an accurate and legible list of all customer locations from which waste was collected for the load carried at the time of the request.

(d) In addition to any other requirements herein, haulers and collectors delivering solid waste for disposal to the County Transfer Station in open-top roll off boxes, must accurately declare to the scale house attendant if the load originated from a construction, demolition, renovation or land clearing project site. The method of declaration shall be as specified by the Department.

48.00.05.05 Confidentiality

(a) Except as may be necessary to investigate and bring enforcement actions against the collector and its customers, the Department shall make reasonable efforts to preserve the confidentiality of customer lists and other information of a proprietary nature received from a collector provided herein if requested by the collector in order to prevent the disclosure of proprietary information to disinterested third parties.

(b) Nothing herein shall prohibit the Department from using any information obtained from the operation of this regulation in preparing a summary analysis or for the purposes of assisting the County in identifying potential sources of recyclables delivered in loads of solid waste otherwise acceptable for disposal.

48.00.05.06 Enforcement and Effective Dates

(a) These regulations shall take effect immediately upon adoption except that no fines may be assessed for violations of 48.00.05.02(b), 48.00.05.02(c), 48.00.05.03(c), 48.00.05.03(d), 48.00.05.04(b), and 48.00.05.04(c) for a period of one year from the date this regulation takes effect. Fines may be assessed for all other provisions of this regulation immediately upon adoption.

(b) In addition to any other relief under the Code or these regulations that may be available, compliance with these regulations is a condition of registration issued under Section 48-20 of the County Code. Violations of these regulations may, in the Director's discretion, provide a basis for revocation, suspension or non-renewal of registration.

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

48.00.05.07 Construction

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

(Administrative History: Reg. No. 18-04 (Method 1); Orig. Dept.: Public Works and Transportation)

COMCOR 48.00.06 Memorandum of Understanding for Solid Waste Licenses

48.00.06.01 Definitions.

The definitions in Chapter 48 of the Montgomery County Code are incorporated herein. The following phrases are defined below:

(a) “District” means the Solid Waste Collection and Disposal District, which includes all unincorporated areas of the County.

(b) “Independent Collection Contractor” means any Collector licensed under Chapter 48 to transport solid waste that has been authorized by agreement with the County to provide Residential Collection within the District.

(c) “Independent Collection Contractor Authorization” means a memorandum of understanding entered into between a Collector and the County authorizing a Collector to provide Residential Collection within the District on behalf of the County.

(d) “Residential Collection” means refuse collection from single and two-family dwellings and from multifamily buildings with fewer than seven (7) dwelling units.

(e) “Solid Waste Charge” means a charge established under Section 48-32(b)(1).

(f) “Transfer Station” means the Montgomery County Shady Grove Processing Facility and Transfer Station located in Derwood, Maryland.

48.00.06.02 Creation of Subdistricts.

This regulation hereby divides the District into two subdistricts to be known as Subdistrict A and Subdistrict B.

(a) Subdistrict A consists of those areas of the District where the County or its contractor provides Residential Collection.

(b) Subdistrict B consists of those areas of the District that are not included within Subdistrict A.

48.00.06.03 Solid Waste Collection.

Only the County or its Independent Collection Contractor may provide Residential Collection in the District.

(a) Within Subdistrict A, the County must provide, or cause to be provided, Residential Collection one or more times per week. If the County provides, or causes to be provided, Residential Collection one time per week, and a resident desires more frequent collection, an Independent Collection Contractor may provide additional Residential Collection services on behalf of the County. Only an Independent Collection Contractor may enter into an agreement with a resident for additional collection beyond that which is otherwise provided.

(b) Within Subdistrict B, the County must provide, or cause to be provided, Residential Collection one or more times per week. The County may provide Residential Collection through an Independent Collection Contractor. Only an Independent Collection Contractor may provide Residential Collection in Subdistrict B.

48.00.06.04 Solid Waste Disposal

Solid waste that is collected from residences within the District is collected on behalf of the County.

The County bills residences within the District under Section 48-32(b)(3). Independent Collection Contractors will not be required to pay a Solid Waste Charge at the Transfer Station provided that they are not in breach of the Independent Collection Contractor Authorization and must not bill residences within the District for any portion of the Solid Waste Charge.

The Maryland Department of the Environment issues a Refuse Disposal Permit for the Shady Grove Processing Facility and Transfer Station. This permit lists certain waste materials that the County is prohibited from accepting. The Independent Collection Contractor must properly handle, transport and dispose of any such prohibited waste materials, regardless of their origin or type, and must not deliver such materials to the Transfer Station. The Independent Collection Contractor must pay all costs that the County incurs to remove prohibited waste materials that the Independent Collection Contractor delivers to the Transfer Station.

48.00.06.05 Application to be an Independent Collection Contractor

(a) Who may apply. Any company or person engaged in or to become engaged in the business of collecting solid waste as a licensed collector under Section 48-19 of the Montgomery County Code 2004, as amended, may apply to be an Independent Collection Contractor provided that the person or company has not had a Memorandum of Understanding for Independent Collection Contractor Authorization terminated for default within the preceding twelve months and further provided that the collector is not in default of payment of any charges billed at the Transfer Station. Only a licensed collector may be an Independent Collection Contractor.

(b) How to apply. To become an Independent Collection Contractor, a collector must submit to the Montgomery County Division of Solid Waste Services a completed and executed Memorandum of Understanding for Independent Collection Contractor Authorization. Upon execution of the Memorandum of Understanding by the collector and the Chief of the Division of Solid Waste Services, the collector will become an Independent Collection Contractor authorized to collect solid waste on behalf of the County from certain residences in the District in accordance with the terms of the Memorandum of Understanding.

(c) Term. Provided that a collector is operating under a valid license issued under Section 48-19 of the Montgomery County Code 2004, as amended, an Independent Collection Contractor Authorization is effective on the date of execution of the Memorandum of Understanding by both the Independent Collection Contractor and the County and remains in effect unless earlier terminated in accordance with the terms of the Memorandum of Understanding.

48.00.06.06 Prohibition Against Commingling of Waste

Solid waste generated at residences within District must not be commingled with recyclables or with solid waste generated by or at any other source. In addition to remedies available for breach of the Memorandum of Understanding, if an Independent Collection Contractor delivers a load of solid waste from residences within the District which is commingled with recyclables or with solid waste from sources outside of the countywide collection and disposal district, the County may take any enforcement action authorized by County law or regulation.

48.00.06.07 Administration

The County may, in its discretion, terminate the Memorandum of Understanding upon forty-five (45) days written notice to the Independent Collection Contractor.

If any portion of this regulation is found to be invalid by a court of competent jurisdiction, the remainder

of this regulation will remain in effect.

This regulation must be construed liberally to permit the department to effectuate the purposes of Chapter 48, the County's Comprehensive Solid Waste Management Plan, and Council Resolution 12-944.

(Administrative History: Reg. No. 18-06AM (Method 1); Orig. Dept.: Public Works and Transportation)

ARTICLE I. IN GENERAL, SEC. 48-4 AUTHORITY OF COUNCIL TO REGULATE AND CONTROL COLLECTION OF SOLID WASTE — DENIAL AND REVOCATION — REGULATIONS

See also COMCOR 48.00.04 Solid Waste Collection and Disposal Districts

ARTICLE I. IN GENERAL, SEC. 48-5 PERMIT REQUIRED TO COLLECT OR DISPOSE OF SOLID WASTE — REGULATIONS

See also COMCOR 48.00.01 Hauler and Collector Reporting

ARTICLE I. IN GENERAL, SEC. 48-8 AUTHORITY TO ESTABLISH SERVICE DISTRICTS AND DISPOSAL FACILITIES — REGULATIONS

COMCOR 48.08.01 Recycling Center Access

48.08.01.01 Definitions

The terms used are as defined in Chapter 48 of the Montgomery County Code and as defined in this section:

(a) "Acceptable Recyclables" means mixed glass containers (excluding ceramic, bulbs, mirror, drinking or window glass, or excessive amounts of shattered glass), aluminum cans, bi-metal cans, steel cans, plastic bottles marked 1 and 2, aluminum foil products and newspaper, all of which are segregated from other solid waste for collection and delivery to the County Recycling Facility. Automotive product containers are excluded from the definition of Acceptable Recyclables.

(b) "Business" means any enterprise, individual, corporation, partnership (limited or general) or other entity or person which maintains an office or place of business in the County, including institutions, health care facilities, the Federal Government and other government agencies, to the extent allowed by law.

(c) "Composting materials" means garden trimmings and other yard waste, natural wood waste, sawdust and slash from saw mill operations and other commercial wood waste.

(d) "County Recycling Center" means any facility operated on behalf of the County which receives Acceptable Recyclables or other recyclable solid waste for the purpose of separating the recyclable solid waste and forwarding it for reuse or processing for reuse.

(e) "County Recycling Contractor" means any contractor who:

- (1) has a contract with the County for collection of Acceptable Recyclables; or
- (2) operates a drop off center for the County for the collection of Acceptable Recyclables.

(f) "Licensed hauler or collector" means any hauler or collector licensed under Montgomery County

Code 1984, as amended, Section 48-19.

(g) "Multi-family dwelling" means a building or other structure containing 2 or more dwelling units, including apartment buildings, condominiums and co-operatives, but excluding nursing homes. Single-family dwellings not receiving curbside collection of Acceptable Recyclables from a County Recycling Contractor fall under this definition.

(h) "Single-family dwelling" means a house, building or other structure containing one dwelling unit, including single family homes, townhouses, small apartment buildings, duplexes, rooming houses and other similar buildings.

(i) "Solid waste residue" means that portion of Acceptable Recyclables received by a County Recycling Center that will be permanently disposed of and will not be reused or further treated for reuse.

(j) "Yard waste" means leaves, grass, garden trimmings and brush less than 4" in diameter.

48.08.01.02 Fees at the Montgomery County Recycling Center

(a) Basis for fees. The processing materials and yard waste accepted at the County have costs different from other disposable wastes. Fees must be based upon these respective costs.

(b) Base rate(s). The recycling charge must be established via separate regulation along with other rates and fees for solid waste management services.

(c) Exemptions. County Recycling Contractors bringing in Acceptable Recyclables and yard waste from dwellings receiving County provided curbside collection will not be charged a drop-off rate.

(d) Restrictions.

(1) Only the following licensed haulers and collectors may have access to the County Recycling Center:

Licensed haulers and collectors transporting Acceptable Recyclables from multi-family dwellings and single family dwellings and businesses within the County which are not receiving County contracted single-family curbside collection of Acceptable Recyclables. These properties must be shown on an approved list maintained by the Department. The haulers and collectors must maintain in the delivery, vehicle and present upon request a truck log, route slip or similar evidence acceptable to the Department that indicates the origin of the Acceptable Recyclables. Recyclable solid waste loads with more than 10% solid waste residue and newspaper with any solid waste residue may be rejected. If a load is rejected, the collector/hauler is responsible for immediate removal and disposal costs.

(2) Only recyclable solid waste, composting material or yard waste on a list maintained by the director may be accepted at the County Recycling Center.

48.08.01.03 Severability

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

(Administrative History: Reg. No. 25-93AM (Method 2); Orig. Dept.: Environmental Protection; Supersedes: Reg. No. 25-93E)

COMCOR 48.08.02 System Benefit Charge

48.08.02.01 Definitions

For the purposes of this regulation, the definitions contained in Montgomery County Code 1994, Section 48-1 and the definitions stated below apply:

- A. “County” means Montgomery County, Maryland.
- B. “Department” means the Department of Public Works and Transportation or any successor department administering the provisions of Chapter 48 of the Montgomery County Code.
- C. “Director” means Director of the Department.
- D. “Generator category” means one of the solid waste Generator categories established in 48.08.02.02C(2) of this regulation.
- E. “GFA unit” means the gross floor area of an improvement on real property divided by 2000. To determine the number of GFA units, the quotient is rounded to the nearest increment of 2000 whole number. Fractions of lower than .5 are to be rounded downward and fractions of .5 and higher are to be rounded upward. Each real property will have a minimum of 1 GFA unit, (i.e., 500 square foot = 1 GFA unit).
- F. “MSDAT” means the Maryland State Department of Assessments and Taxation.
- G. “Nonresidential systems benefit charge” means the systems benefit charge imposed upon nonresidential generators of solid waste in the County.
- H. “Nonresidential systems benefit charge rate” means the rate or rates established by the County Council to establish and collect the Nonresidential systems benefit charge.

48.08.02.02 Method of calculating and collecting the nonresidential systems benefit charge

This regulation establishes an alternative method of calculating and collecting the Nonresidential systems benefit charge. The method of calculating and collecting the Nonresidential systems benefit charge is based upon gross floor area and land use types as this information is maintained by the MSDAT.

- A. Imposition of Nonresidential systems benefit charge. The Nonresidential systems benefit charge is imposed on the owners of all nonresidential real property in the County upon which improvements having an assessed value of greater than Five Thousand Dollars (\$5,000.00) have been placed.
- B. Collection of the Nonresidential systems benefit charge. The Nonresidential systems benefit charge may be billed with the tax bill and collected along with taxes on real property. For improvements that are completed after the beginning of a fiscal year, the Nonresidential systems benefit charge may be billed based upon a partial year. If Nonresidential systems benefit charges are not billed with the tax bill for any reason, the bill must indicate the portion of the year covered by the invoice. Nonresidential systems benefit charges that are not billed with the taxes are payable within thirty (30) days of the bill date. The remedies for nonpayment of the Nonresidential systems benefit charge are as specified in Montgomery County Code 1994, Chapter 48.
- C. Calculation of Nonresidential systems benefit charge.
 - (1) Each year the Department must obtain from MSDAT a copy of its schedule of Nonresidential

property within the County and MSDAT's land use and gross floor area determinations for all Nonresidential property in the County.

(2) Each year the Department must make a determination of which of the following five waste disposal Generator categories a particular type of land use falls within:

- (A) Low generator 0 to 2 lbs./sq. ft.
- (B) Medium low generator >2 to 4 lbs./sq. ft.
- (C) Medium generator >4 to 6 lbs./sq. ft.
- (D) Medium high generator >6 to 8 lbs./sq. ft.
- (E) High generator >8 lbs./sq. ft.

(3) The Department must make its determination of which of the foregoing five generator categories a particular land use falls within by referring to the most current solid waste generation study conducted by the County. If no current study is available, the Department may base this classification on solid waste generation studies from other jurisdictions provided that the Department takes into consideration any fluctuations in generation rates that might relate to demographics or geographic location of the Jurisdiction(s) in which the study(ies) had been conducted. The Department must compare the consistency of the studies of other jurisdictions to information it has about solid waste generation within the County and make adjustments as it deems necessary. The Department must conduct periodic solid waste generation studies at least every five years to determine in which Generator category a particular land use falls. The Department must, within two years of the adoption of this regulation, conduct an initial solid waste generation study.

(4) The Department must by June 1 of each year publish in a newspaper of general circulation in the County a table showing: (1) land use types as maintained by the MSDAT; and (2) the Generator category within which each land use type falls. The table must also be provided for inspection by June 1 of each year at each of the libraries in the County.

(5) Each year the Department must recommend to the County Council the Nonresidential systems benefit charge rate applicable to each Generator category. The rate is to be established by resolution of the County Council as prescribed in Chapter 48. The Department's recommendation of the Nonresidential systems benefit charge rate for the Generator categories must be based upon the following ratio:

- (A) low generator - low generator rate/medium generator rate - .2
- (B) medium low generator - medium low generator rate/medium generator rate - .6
- (C) medium generator - 1.0
- (D) medium high generator - medium high generator rate/medium generator rate - 1.4
- (E) high generator - high generator rate/medium generator rate - 1.8

These categories may be subject to change as a result of findings of future waste generation studies.

(6) For the purpose of calculating the Nonresidential systems benefit charge, the gross floor area of improvements on Nonresidential real property is to be expressed in terms of GFA units. For example, if

a property has improvements with a gross floor area of 1 - 3000 square feet, the total GFA units for that property is 1. If a property has improvements with a gross floor area of 3001 - 5000 square feet, the total GFA units for that property is 2. If a property has improvements with a gross floor area of 5001 - 7000 square feet, the total GFA units for that property is 3.

(7) The total Nonresidential systems benefit charge to be paid by a property owner is determined by multiplying the Nonresidential systems benefit charge rate for the Generator category by the number of GFA units attributable to the gross floor area of improvements located on the Nonresidential real property. For example, if a retail store of 10,000 square feet is in the medium Generator category, and the Nonresidential systems benefit charge rate for that category is \$200 per GFA unit, the Nonresidential systems benefit charge would be \$200 x 5 GFA units = \$1,000.00.

D. Appeals process.

(1) **RIGHT TO APPEAL.** A property owner may on or before September 30 of the billing year, appeal, in writing, to the Director, with a copy to the Director, Department of Finance, for reconsideration of: (1) the Generator category determination; and/or (2) the gross floor area of improvements used as the basis for determining the number of GFA units. Partial year billings may be appealed within 60 calendar days of the billing date. Only the property owner or an agent duly authorized in writing by the property owner for the purpose of the appeal, may file an appeal for any given property. The appeal must be submitted using the form provided by the Department for the subject Levy Year. The Department will mail a current year form to any owner or agent requesting one.

(2) **INFORMATION TO INCLUDE WITH APPEAL.** The property owner must include with the appeal a detailed statement of the basis for the appeal and documents supporting the property owner's assertion that: (1) the property should be included in a different solid waste Generator category; and/or (2) the gross floor area used to calculate GFA units is incorrect. If the property owner has challenged the solid waste Generator category in which the property has been placed, the documents provided by the owner must include evidence reflecting all of the waste generation at the property, including, but not limited to: invoices for the most recent twelve months of service from the solid waste collector(s) for the property. If such invoices do not state the net weights of waste from the property according to weight tickets issued from state certified calibrated scales, then the application must also include copies of the contracts relating the dumpster volumes and frequency of service to the invoiced amounts. State certification of scale calibration must have occurred in the year in which the appeal was filed. Affidavits stating an estimate of tonnage are not acceptable unless accompanied by weight readouts from calibrated scales. If invoices for waste collection do not exist, the applicant must certify this, and the Department may inspect the property and/or require additional information under (3) below in order to estimate its waste generation rate. If the property owner has challenged the gross floor area used to calculate GFA units, the documents provided must include evidence of the actual gross floor area on the property from assessor's worksheets at MSDAT or from architectural plans filed at the Montgomery County Department of Permitting Services.

(3) **DIRECTOR'S RIGHT TO INCLUDE ADDITIONAL INFORMATION.** The Director may request that the property owner provide additional information which the Director reasonably believes will assist the Director in deciding the appeal. The Department may also inspect the property for reasons consistent with this regulation. If the property owner fails to provide the information within twenty-five calendar days of the date of the Director's request, or denies the Department access to the property for an inspection pursuant to this regulation, the Director may dismiss the appeal.

(4) **WRITTEN DETERMINATION OF APPEAL.** The Director must make a written determination

of the appeal that includes findings supporting the Director's determination. The written determination of the appeal must be mailed to the property owner by first class mail with a copy provided to the Director, Department of Finance. Other than dismissal of an appeal for the reason stated in subparagraph (3) above, the determination must either affirm the total Nonresidential systems benefit charge or adjust it based upon evidence presented. The adjustment may decrease or increase the Nonresidential systems benefit charge imposed on the property owner. In the case of an adjustment of the Generator category, and provided there are no changes in the use of the property, the decision of the Director is valid for three years including that in which the appeal takes place. The Nonresidential systems benefit charge rate established by County Council resolution is not subject to appeal to the Director.

(5) PAYMENT OF NONRESIDENTIAL SYSTEMS BENEFIT CHARGE FOLLOWING APPEAL. The property owner must pay the Nonresidential systems benefit charge at the same time as real property taxes are due. Payment of the full nonresidential systems benefit charge should be paid by the due date stated on the bill in order to avoid interest and penalty. If the appeal results in a change, a revised bill will be issued. If the bill is decreased, a refund will be mailed for any overpayment. If an additional payment is due, the property owner will have thirty (30) days to pay the additional amount without interest or penalty.

48.08.02.03 Severability

If any portion of this regulation has been determined by a court of competent jurisdiction to be inapplicable, the remainder of the regulation remains in full force and effect.

(Administrative History: Reg. No. 9-99 (Method 2); Orig. Dept.: Public Works and Transportation; Supersedes: Reg. No. 7-98)

COMCOR 48.08.03 System Benefit Charges - Residential Waste Estimates

48.08.03.01 Estimate of solid waste generation for calculation of the residential systems benefit charges

To calculate the residential systems benefit charges, each single-family dwelling unit and each multi-family dwelling in a building, consisting of six or fewer dwelling units in the County, is estimated to produce 1.8651 tons per year of solid waste. Each dwelling unit in a building with seven or more dwelling units is estimated to produce .8686 tons per year of solid waste.

(Administrative History: Reg. No. 3-17 (Method 2); Orig. Dept.: Environmental Protection; Supersedes: Reg. No. 2-16, which superseded Reg. No. 7-15, which superseded Reg. No. 7-14, which superseded Reg. No. 3-13, which superseded Reg. No. 5-12, which superseded Reg. No. 4-11, which superseded Reg. No. 4-10, which superseded Reg. No. 6-09, which superseded Reg. No. 15-08, which superseded Reg. No. 13-07, which superseded Reg. No. 4-06; which superseded Reg. No. 7-05, which superseded Reg. No. 7-04, which superseded Reg. No. 9-03, which superseded Reg. No. 3-02; which superseded Reg. No. 6-01; which superseded Reg. No. 10-00; which superseded Reg. No. 8-99; which superseded Reg. No. 9-98AM; which superseded Reg. No. 24-97, which superseded Reg. No. 19-96.)

See also COMCOR 48.00.04 Solid Waste Collection and Disposal Districts

ARTICLE I. IN GENERAL, SEC. 48-8A ESTABLISHMENT OF SOLID WASTE MANAGEMENT DISTRICT; SYSTEMS BENEFIT CHARGE — REGULATIONS

See also COMCOR 48.08.02 System Benefit Charge

See also COMCOR 48.08.03 System Benefit Charges - Residential Waste Estimates**ARTICLE I. IN GENERAL, SEC. 48-11 DUMPING GARBAGE OR SOLID WASTE ON LAND OF ANOTHER, OR INTO ANOTHER'S CONTAINER(S), OR UPON ANY PUBLIC HIGHWAY; PENALTY — REGULATIONS**

See also COMCOR 48.00.04 Solid Waste Collection and Disposal Districts**ARTICLE I. IN GENERAL, SEC. 48-19 LICENSING OF COLLECTORS AND HAULERS — REGULATIONS**

See also COMCOR 48.00.01 Hauler and Collector Reporting**See also COMCOR 48.00.06 Memorandum of Understanding for Solid Waste Collectors****ARTICLE I. IN GENERAL, SEC. 48-24 STORAGE AND REMOVAL — REGULATIONS**

See also COMCOR 48.00.01 Hauler and Collector Reporting**See also COMCOR 48.00.03 Residential and Commercial Recycling****ARTICLE I. IN GENERAL, SEC. 48-25 PERMITS AND LICENSES ISSUED UNDER CHAPTER — EXPIRATION; TRANSFER — REGULATIONS**

See also COMCOR 48.00.01 Hauler and Collector Reporting**MONTGOMERY COUNTY CODE CHAPTER 48, ARTICLE I. IN GENERAL, SEC. 48-26 PERMITS AND LICENSES ISSUED UNDER CHAPTER — FEES — REGULATIONS**

COMCOR 48.26.01 Licensing and Permitting Fees for Solid Waste Collectors and Haulers**48.26.01.01**

Section 48-26 of the Montgomery County Code specifies that “Permit or license fees under this chapter shall be fixed annually by executive regulation adopted by the county executive under method (3) of Section 2A-15 of this Code. The fees shall not exceed the cost of inspection, licensing, and enforcement of this chapter.” The annual licensing fees for a company whose principal business is the collection or hauling of solid waste is \$25.00, and the permitting fee for each commercial vehicle is \$5.00.

(Administrative History: Reg. No. 14-11 (Method 3); Orig. Dept.: Environmental Protection)

MONTGOMERY COUNTY CODE CHAPTER 48, ARTICLE I. IN GENERAL, SEC. 48-29 SOLID WASTE COLLECTION DISTRICTS — REGULATIONS

COMCOR 48.29.01 County Solid Waste Collection Subdistricts**48.29.01.01**

A group of homeowners in either Subdistrict A or B may petition for transfer from its subdistrict to the other subdistrict. The procedures for transfer are as follows:

(a) The group must propose the geographic boundaries of the area to be considered for transfer, referring to streets and other landmarks, and must submit to DEP a written petition legibly signed by one homeowner from at least 25 percent of the residences in the proposed transfer area. To be eligible for a transfer, an area that is adjacent to the boundary of Subdistrict A and B must contain at least 200 homes; any other area must contain at least 450 homes. In addition, an area that is surrounded by Subdistrict A and contains at least 25 homes is eligible for a transfer.

(b) DEP must approve the area for transfer after reviewing, or, if necessary, modify the proposed boundaries as appropriate for effective collection. Examples of boundaries that are appropriate for effective collection include, but are not limited to, a major roadway or a stream valley.

(c) DEP must determine whether the number of residences within the defined boundaries meets the requirements of Subsection (a) and must verify that the petition contains legible signatures from one homeowner from at least 25 percent of the residences within the proposed transfer area. If the petition does not contain signatures from one homeowner from at least 25 percent of the residences within the proposed transfer area, the DEP Director must deny the transfer request.

(d) Within 120 days after receiving a petition containing the minimum number of valid signatures, DEP must notify by mail, each homeowner in the proposed transfer area. The notice must inform each homeowner that households in Subdistrict A are charged an annual collection fee and that households in Subdistrict B are responsible either for contracting for private refuse collection or for disposing of refuse at an approved location. The notice must describe the current level of service and annual fee for County-provided refuse collection service and must inform the homeowner of the availability of private refuse collection services. The notice must also inform each homeowner of the boundaries of the proposed transfer area and of the date and location of a public hearing on the proposed transfer.

(e) The notice sent by DEP must also include a ballot on which the owner of each residence in the defined area may vote for or against the proposed transfer. Ballots must contain the name and address of the homeowner. DEP must set a last date for submission of ballots. The last date for ballot submission must be more than 60 days after the ballots are mailed to the homeowners.

(f) DEP must maintain a list of interested parties that have requested to be contacted of any pending balloting for a Subdistrict transfer. At least 15 days prior to mailing ballots to homeowners, DEP must notify all listed interested parties of the proposed transfer and of the date and location of a public hearing on the proposed transfer.

(g) DEP must hold a public hearing on the proposed transfer at least 15 days before the last date for ballot submission.

(h) Within 30 days after the last date for ballot submission, DEP must tally all votes received and determine whether the number of votes in favor of the proposed transfer exceeds 50 percent of the number of residences in the defined area. A ballot must be signed by one homeowner to be counted. The results of the balloting must be available for public review.

(i) If the number of votes in favor of the proposed transfer exceeds 50 percent of the number of residences in the defined area, the DEP Director must send a recommendation to the County Executive regarding the proposed transfer within 45 days after the last day for ballot submission. The County Executive must approve or disapprove the transfer within 30 days after receiving the DEP Director's recommendation. DEP must mail notice of the County Executive's decision to each homeowner in the proposed transfer area, the County Council, and listed interested parties. If the County Executive approves a transfer, this notification also must specify the effective date of the transfer.

(j) If the number of votes in favor of the proposed transfer does not exceed 50 percent of the number of residences in the defined area, the DEP Director must deny the transfer request.

(k) DEP must not accept a petition for a re-balloting of any area or any substantially similar area for two years after the last date for submission for a previous balloting. DEP may at any time make minor changes to subdistrict boundaries to correct errors or to remedy anomalies.

48.29.01.02 Effective Date

These regulations shall take effect immediately upon adoption.

(Administrative History: Reg. No. 18-08 (Method 2); Orig. Dept.: Environmental Protection)

See also COMCOR 48.00.04 Solid Waste Collection and Disposal Districts

ARTICLE II. SOLID WASTE SERVICE CHARGES, SEC. 48-32 IMPOSITION; AMOUNT; EXEMPTIONS — REGULATIONS

COMCOR 48.32.01 Solid Waste Disposal

48.32.01.01 Disposal Regulations

Asbestos material will be accepted for disposal at the Oaks Sanitary Landfill on Thursdays only between the hours of 9:00 a.m. - 2:00 p.m. Friable asbestos will be accepted only from persons licensed by the Maryland State Department of Health and Mental Hygiene required by COMAR 10.18.23. An appointment for disposal must be confirmed at least two days prior to anticipated disposal. An appointment can be scheduled by contacting the Division of Solid Waste Management at 840-2370. On the day of the appointment, the material will be weighed and recorded at the Montgomery County Transfer Station and directed to the landfill for disposal.

48.32.01.02 Friable Asbestos Disposal Charges

Charges for disposal of asbestos material shall be at a rate of \$100.00 per ton plus a service fee of \$100.00 for each appointment. A separate appointment will be required for each day required for disposal.

48.32.01.03 Effective Date

This regulation takes effect 30 days after approval by the Montgomery County Council.

(Administrative History: Reg. No. 40-90; Orig. Dept.: Environmental Protection; Supersedes: Reg. No. 146-85)

COMCOR 48.32.02 Solid Waste Disposal - Public Drop Off Areas

48.32.02.01 Definitions

The terms used are as defined in Chapter 48 of the Montgomery County Code and as defined in this section:

(a) "Car" means any vehicle registered as Class A (car) or Class MPV (multi-purpose vehicle) with the Maryland Department of Transportation Motor Vehicle Administration and privately-owned and operated.

(b) "County solid waste acceptance facility" means the Montgomery County Solid Waste Transfer

Station located at 16101 Frederick Road, Derwood, Maryland 20855.

(c) "Satellite sites" means the Montgomery County Highway Maintenance Depots located at 19200 Jerusalem-Church Road in Poolesville, Maryland, and 26149 Ridge Road in Damascus, Maryland.

(d) "Truck" means any vehicle registered as Class EPO with the Maryland Department of Transportation Motor Vehicle Administration and privately-owned and operated.

48.32.02.02 Affected persons

The regulation applies to Montgomery County residents who bring residentially-generated disposable refuse weighing less than 500 pounds to the County solid waste acceptance facility or satellite sites.

48.32.02.03 Method of payment

Fees for the delivery of residentially-generated disposable refuse weighing less than 500 pounds may either:

(a) be calculated and collected as part of the solid waste disposal charge included with the tax bill for Collection and Disposal District households, or

(b) be calculated and collected as a separate fee at the delivery site,

If collected as a separate fee, the Department may require payment at the entrance to the facility, or it may provide a means of advance sale and evidence of advance payment in order to avoid the handling of cash at a facility.

48.32.02.04 Fee rate(s)

Fees for the disposal of residentially-generated disposable refuse weighing less than 500 pounds shall be established via separate regulation along with the other rates and fees for solid waste management services, and may vary according to facility location and vehicle delivery type.

48.32.02.05 Effective date

This regulation is effective upon the earlier to occur of (1) thirty (30) calendar days after the date of adoption of the regulation approving the regulation; or (2) if the Council does not approve or disapprove the regulation, ninety (90) calendar days after the Council receives the regulation.

48.32.02.06 Severability

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

(Administrative History: Reg. No. 26-93 (Method 2); Orig. Dept.: Environmental Protection;
Supersedes: Reg. No. 26-93E)

See also COMCOR 48.08.01 Recycling Center Access

ARTICLE V. RECYCLING, SEC. 48-47 RECYCLABLE SOLID WASTE PROGRAM — REGULATIONS

COMCOR 48.47.01 Leaf Vacuuming District

48.47.01.01 Definitions

For the purposes of this regulation, the definitions contained in Montgomery County Code 1994, section 48-1 and the definitions stated below apply:

- (a) "Recycling, Service Area" means a geographically designated area for the collection, processing and marketing of recyclable solid waste, the basis for determination of recycling activities may include population densities; housing patterns, land use patterns, types of recyclable solid waste generated, and other factors affecting cost-effectiveness.
- (b) "Leaf Vacuuming District" means the geographic area currently identified as a neighborhood/area that consists of 100 or more households (as shown in Exhibit A). Households mean either single or multifamily residences.
- (c) "Leaf Vacuuming Service" means the removal of leaves, by vacuum method, which property owners have placed at the curbside of County rights-of-way.
- (d) "Yard Trim" means all organic solid waste material generated in the yard, including, but not limited to, leaves, grass clippings, plant trimmings, and branches less than 4 inches in diameter.

48.47.01.02

A map showing the Leaf Vacuuming Districts is attached hereto as Exhibit A. Collection of leaves on a twice annual basis will be provided by vacuum method. These recycling service areas are to be known as the Leaf Vacuuming Districts.

- (a) The Leaf Vacuuming Districts may be updated from time to time as areas within the County are included in or excluded from the Leaf Vacuuming Districts.

48.47.01.03 Leaf Vacuuming Service

Leaf collection in the Leaf Vacuuming Districts will be a vacuuming service at the curb of County or State rights-of-way located within the designated districts. This service is now provided by the Department of Public Works and Transportation, but may be performed by other agents at the discretion of the Department Director, and shall be based on cost effectiveness of the program.

- (a) Notice of Leaf Vacuuming Service shall be provided twice annually, primarily during the months of November and December.
- (b) All leaves placed at the curb along County or State rights-of-way within the Leaf Service District during the specified period shall be collected by vacuum method.
- (c) Leaves will be the only type of yard trim collected by the leaf vacuuming service.
- (d) A civic association or organized group representing an existing neighborhood/area may petition the County Executive (CE) for participation in the Leaf Vacuuming Service. The petition must be submitted by April 15 of the year prior to desired services to be eligible for services in the following calendar year.
- (e) The organized group or civic association must deliver to the Director of the Department of Public Works and Transportation (DPWT), a written petition signed by owners of at least 80% of the households in the neighborhood/area to be included in the program. Single family units and multifamily units are counted equally in the petition process. The petition should be inclusive of a specific description of the boundaries of the affected neighborhood/area and the number of households in the

neighborhood/area to be added to the Leaf Vacuuming Service. An information sheet will be provided to the neighborhood/area requesting consideration into the Leaf Vacuuming Service which will outline the particulars of the program. In the information sheet, the Director, DPWT, will notify petitioners that collection will take place in November and December of each year (weather permitting), and will include the approved fees for the prior year for single and multifamily units.

(f) The neighborhood/area proposed to be included must consist of 100 or more households; or individual streets in neighborhoods with less than 100 households may be added to the program on a block-by-block basis where practical and directly adjacent to an existing collection area. In this instance, criteria (e) will apply.

(g) After receiving the petition, the Director, DPWT, will determine if the request meets the minimum criteria established in (e) and (f). Upon verification that the request meets the minimum criteria, the Director will hold a hearing to receive public comments on the petition within 120 days of that date. Notice of the hearing must be given to the originator of the petition in the affected neighborhood/area and must be advertised in a newspaper of general circulation in the County at least ten days before the hearing.

(h) Based on the comments received from the public testimony, the Director, DPWT, will recommend approval or denial of the request to the CE.

(i) Within ninety days after the hearing, the CE will approve or disapprove the Director's recommendation. Notice of the CE's decision must be given to the County Council and to each person in the affected neighborhood/area.

(j) All non-government costs related to entry into the Leaf Vacuuming Service, to include, but not limited to, the postage, printing, etc. must be borne by the civic association or organized group of the requesting neighborhood/area.

(k) Property owners in the neighborhoods/areas that are added to the collection area will be assessed the current rate for receiving the service.

(l) Operational requirements of the County will be considered when determining participation in the Leaf Vacuuming Service to include consideration of the expansion of the program in the context of the tonnage limit at the Composting Facility.

(m) Any neighborhood/area in the Leaf Vacuuming Service can leave the program by mutual agreement of the County and the neighborhood/area. A neighborhood/area desiring to leave the Leaf Vacuuming Service must have the support of not less than 80% of the households in the neighborhood/area before soliciting the agreement of the County.

(n) The Director, DPWT, or his/her designee may deviate from the minimum criteria for determining a neighborhood's/area's participation in the Leaf Vacuuming Service as found herein when it is deemed to be in the best interest of the County. Reasons for deviation from the minimum criteria may include, but are not limited to:

- Inappropriate boundaries for efficient operation of leaf collection services, such as separation by a stream valley or major roadway;
- Operational issues that may delay an area's entry into the Leaf Vacuum Program, such as insufficient resources.

48.47.01.04 Collection of Fee for Leaf Vacuuming Service

The method for calculation and collection of fees for leaf collection service shall be in accordance with the provisions of sections 48-29 (d) which requires that charges must correspond as closely as practicable to the actual cost to the County to perform the service.

(Administrative History: Reg. No. 6-99AM (Method 1); Orig. Dept.: Public Works and Transportation)

[CLICK HERE TO VIEW EXHIBIT A.]

See also COMCOR 48.08.01 Recycling Center Access

ARTICLE V. RECYCLING, SEC. 48-47 RECYCLABLE SOLID WASTE PROGRAM — REGULATIONS

COMCOR 48.47.02 Solid Waste and Recycling

48.47.02.01 Definitions

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

(a) “Department” means Montgomery County Department of Environmental Protection.

(b) “Director” means Director of the Montgomery County Department of Environmental Protection.

(c) “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.

(d) “Solid waste stream” means solid waste as defined in Chapter 48-1 of the Montgomery County Code.

48.47.02.02 Recycling Goal

Montgomery County’s goal is to achieve, maintain or exceed recycling 70 percent of the solid waste stream generated in the County by end of Calendar Year 2020.

48.47.02.03 Method of Measurement

Beginning with Calendar Year 2012 and for each subsequent calendar year, Montgomery County will utilize the State of Maryland methodology as stipulated in the Maryland Department of the Environment guidelines that meet the requirements of the Maryland Recycling Act for measuring its recycling rate, and will include the Source Reduction Credit used to calculate the Waste Diversion Rate by the State of Maryland.

48.47.02.04 Other Indicators of Recycling

The Department will also calculate recycling progress and achievement using additional indicator(s), such as recycling capture rates. The recycling capture rate takes into account the amount of recyclable materials that exist within the solid waste stream that are mandated to be recycled, and estimates how much of these materials are actually recycled.

48.47.02.05 Administration

Responsibilities of the Department.

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

48.47.02.06 Enforcement

These regulations may be enforced in accordance with Montgomery County Code 2004, as amended, Section 48-49.

48.47.02.07 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 (2004), as amended, and the policies of the County's Comprehensive Solid Waste Management Plan.

(Administrative History: Reg. No. 7-12 (Method 1); Orig. Dept.: Environmental Protection)

ARTICLE V. RECYCLING, SEC. 48-49 ENFORCEMENT— REGULATIONS

See also COMCOR 48.00.05 Collection, Transportation, and Disposition of Solid Waste