

Resolution No.: 16-247
Introduced: July 19, 2007
Adopted: July 19, 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Executive Regulation 29-06, Memorandum of Understanding for Solid Waste Licenses from the Solid Waste Office of the County Executive

Background

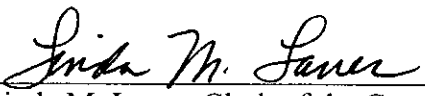
1. On May 21, 2007 the Council received Executive Regulation 29-06, "Memorandum of Understanding for Solid Waste Licenses from the Solid Waste Office of the County Executive" from the County Executive.
2. This regulation would re-enact and update sections of Code of Montgomery County Regulations (COMCOR) 48.00.04 "Solid Waste Collection and Disposal Districts."

Action

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

Executive Regulation 29-06, "Memorandum of Understanding for Solid Waste Licenses from the Solid Waste Office of the County Executive"

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Memorandum of Understanding for Solid Waste Collectors	Number: 29-06
Originating Department: DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	Effective Date: July 19, 2007

Montgomery County Regulation on:

MEMORANDUM OF UNDERSTANDING FOR SOLID WASTE LICENSES FROM THE SOLID WASTE OFFICE OF THE COUNTY EXECUTIVE

Issued by: County Executive
Regulation No. 29-06

Authority: Montgomery County Code, 1994, Chapter 48, specifically Section 48-4 & 48-8
Supersedes: N.A.

Council Review: Method 2 under Code Section 2A-15
Register Vol. No.

Comment Deadline:
Effective Date:

SUMMARY: This regulation establishes a memorandum of understanding for solid waste collectors' licenses.

ADDRESS: Department of Public Works and Transportation
Executive Office Building
101 Monroe Street, Tenth Floor
Rockville, Maryland 20850

STAFF CONTACT: Dave Wagaman
Division of Solid Waste Services
240-777-6401

BACKGROUND INFORMATION: The Solid Waste Management District is a special district consisting of all of Montgomery County. This regulation provides for licensed independent collection companies to enter into a memorandum of understanding with the County that authorizes the collection of solid waste within the District from single and two-family dwelling units and multi-family buildings with fewer than seven dwelling units.



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Section 1. 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.

Section 2. 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.



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Section 3. 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.

Section 4. 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.



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Section 5. 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.

Section 6. 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.



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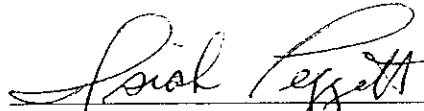
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Section 7. Administration

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.


Isiah Leggett, County Executive

May 18, 2007
Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY
BY: Jennilyn E. Brooks
DATE: April 2, 2007