

Resolution No.: 17-566
Introduced: October 16, 2012
Adopted: October 16, 2012

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Executive Regulation 7-12, Solid Waste and Recycling

Background

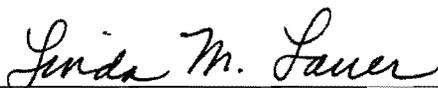
1. Section 48-47 of the County Code provides that the County Executive must develop a recycling program and that the program may be established by Executive Regulation.
2. On September 11, 2012, the Executive transmitted to the County Council Executive Regulation 7-12. Regulation 7-12 establishes a new recycling goal for Montgomery County's recycling program as well as the method by which the level of recycling achieved in the County is measured.

Action

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

Executive Regulation 7-12, Solid Waste and Recycling, is approved.

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: SOLID WASTE AND RECYCLING	Number: 7-12
DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date: October 16, 2012

Montgomery County Regulation on:

SOLID WASTE AND RECYCLING

Authority: Montgomery County Code, 2004, Chapter 48, Section: 48-47
Council Review: Method (1) under Code Section 2A-15
Register Vol. 29 Issue 7

Effective Date: October 16, 2012
Comment Deadline: July 31, 2012

Summary: The proposed regulation specifies the standards and methods by which, and the base from which, the goal of the recycling program and the level of recycling that the program achieves are measured.

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

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



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Background: Council Resolution 11-733 (adopted March 22, 1988) established a recycling goal of 27 percent by 1992, and 30 percent prior to any expansion of the resource recovery facility. Since that date, the County's recycling goal has been reconsidered, amended, and re-adopted a number of times through the County's Comprehensive Solid Waste Management Plan. These regulations are to establish the County's recycling goal, and to further implement the provisions of Montgomery County Code, Chapter 48, Article V.

Section 1. 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.

Section 2. 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.

Section 3. 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.



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Section 4. 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.

Section 5. 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.

Section 6. Enforcement

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

Section 7. 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.

APPROVED AS TO FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY [Signature]
DATE August 31, 2012

[Signature]
Isiah Leggett
County Executive