

Resolution No.: 17-833
Introduced: July 30, 2013
Adopted: July 30, 2013

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Executive Regulation 5-13AM, Solid Waste Tonnage Reporting

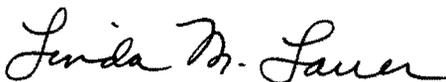
Background

1. Section 48-47 of the County Code provides that the County Executive must report to the County Council twice each year on the progress of the recyclable solid waste program toward meeting the quantitative goals and any problems that hinder the achievement of those goals.
2. On June 18, 2013, the Executive transmitted to the County Council Executive Regulation 5-13. Regulation 5-13 clarifies that persons collecting, hauling, or transporting solid waste or recycling must submit annual reports to the Department of Environmental Protection regarding the amount and type of solid waste or recycling collected, the sector from which the material was collected, the name and location of the facilities to which the material was delivered, and other information as noted in Regulation 5-13.
3. The Transportation, Infrastructure, Energy & Environment (T&E) Committee discussed Regulation 5-13 on July 15 and suggested an amendment to Executive Regulation 5-13 to specify more clearly who will be required to submit annual reports under this regulation.
4. Based on the Committee discussion, the Executive transmitted Executive Regulation 5-13AM on July 23, 2013 which includes language specifying that haulers and collectors will be required to submit annual reports under this regulation.

Action

The County Council for Montgomery County, Maryland approves Executive Regulation 5-13AM, as attached.

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 TONNAGE REPORTING	Number 5-13AM
Originating Department DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date July 30, 2013

Montgomery County Regulation on:

SOLID WASTE TONNAGE REPORTING

Authority: Montgomery County Code, 2004, Chapter 48, Section: 48-47

Supersedes: 58-92AM

Council Review: Method (2) under Code Section 2A-15

Register Vol. 30, Issue 5

Effective Date: July 30, 2013

Comment Deadline: May 30, 2013

Sunset Date: None

Summary: The proposed regulation describes the reporting procedures for collector's and hauler's collecting, hauling, or transporting solid waste or recycling.

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: Theresa Souders
Department of Environmental Protection
240-777-6425



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Background Information: The County requires detailed data on the types and amounts of material collected for recycling and disposal from within the County to effectively track residential and nonresidential recycling rates. This data is critical for sectors in which collector's and hauler's provide collection, hauling, or transporting services. The County also requires data on the total amount of solid waste and recycling collected by a collector or hauler including the amount of solid waste and recycling disposed outside the County, to better estimate total solid waste generation. This data is essential to meet state mandates and to demonstrate progress toward meeting the County's mandated recycling goals. The data is also used for annual fee development and to effectively plan and implement an integrated comprehensive waste management system, including solid waste disposal and recycling facilities and infrastructure, as well as future policies and programs.

Section 1. 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.

Section 2. Reporting Requirements of Collector's and Hauler's 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. Collector's and hauler's 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 the type of solid waste or recycling and type of generator (residential, multi-family, or nonresidential);



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(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 or 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:

Reporting Period	Report Due Date
January 1 – June 30	August 1
July 1 – December 31	February 1

Section 3. Administration.

Responsibilities of the Department.

- (a) Forms. The Department will provide the 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 Section 2 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.



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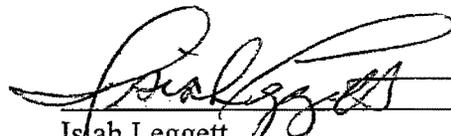
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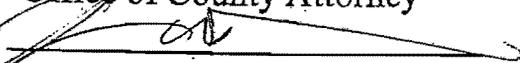
Section 4. Enforcement.

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

Section 5. 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.


 Isiah Leggett
 County Executive

Approved as to Form and Legality
 Office of County Attorney
 By 
 Date 7/18/13
 Walter E. Wilson