

Resolution No.: 15-896
Introduced: February 8, 2005
Adopted: February 8, 2005

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 18-04, Collection, Transport, and Disposal of Solid Waste

Background


1. On December 6, 2004, the County Council received Executive Regulation 18-04, Collection, Transport, and Disposal of Solid Waste, from the County Executive.
2. The regulation must be reviewed under method (1) of Section 2A-15 of the Code.
3. Under method (1), this regulation does not take effect the County Council approves it.

Action

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

Executive Regulation 18-04, Collection, Transport, and Disposal of Solid Waste, is approved.

This is a correct copy of Council action.



Elda M. Dodson, CMC
Acting Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject Collection, Transport and Disposition of Solid Waste	Number 18-04
Originating Department: DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	Effective Date February 8, 2005

Montgomery County Regulation on:

COLLECTION, TRANSPORT AND DISPOSAL OF SOLID WASTE
OFFICE OF THE COUNTY EXECUTIVE

Issued by: County Executive
Regulation No. 18-04

Authority: Montgomery County Code, 1994, Chapter 48, specifically Section 48-51
Supersedes: N.A.
Council Review: Method (1) under Code Section 2A-15
Register Vol. __, No. __

Effective Date: February 8, 2005
Comment Deadline: October 31, 2004

Summary: This regulation establishes certain requirements pertaining to the collection, transport and disposition of solid waste and recyclable materials.

Address for comments: Department of Public Works and Transportation
Executive Office Building
101 Monroe Street, Tenth Floor
Rockville, MD 20850

Staff Contact: William F. Davidson
240-777-6409



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Background Information:

Council Resolution 15- 608, adopted May 19, 2004, called for the implementation of a ban on the disposal of mixed paper and old corrugated cardboard, preceded by a six month planning period and a twelve month technical assistance and monitoring period through an amendment to the Ten-Year Plan and requested that the County Executive propose revisions to existing recycling regulations. Proposed Executive Regulation 15-04, noticed in the Register on September 1, 2004, achieves these objectives by amending Executive Regulation 109-92-AM as requested. That proposed regulation expands the list of materials required to be recycled and applies it to all sectors (single family, multifamily, and commercial); it also improves existing recycling plan and reporting requirements. This companion regulation complements ER 15-04 by clearly establishing roles and responsibilities for licensed Haulers and Collectors and all other persons using County acceptance facilities for the disposal of solid waste. It also provides the first step toward implementing the actions outlined in the draft Ten-Year Plan currently before the Council for review. Consistent with the Ten-year Plan and the Council Resolution, many of these provisions will not become effective for at least one year from passage in order to provide time for significant preparation, education and outreach efforts as recommended.



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Section 1. 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.

Section 2. 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 designed 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.



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- (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.

Section 3. 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.

Section 4. 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 paragraph 2(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.



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Section 5. 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.

Section 6. Enforcement and Effective Dates

- (a) These regulations shall take effect immediately upon adoption except that no fines may be assessed for violations of Sections 2(b), 2(c), 3(c), 3(d), 4(b) and 4(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.

Section 7. 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.

APPROVED AS TO FORM AND LEGALITY.

OFFICE OF COUNTY ATTORNEY

BY [Signature]
DATE 9/17/04

[Signature]

Douglas M. Duncan
County Executive