



MONTGOMERY COUNTY EXECUTIVE ORDER

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

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|---|--------------------------------|---------------------------------|
| Subject COLESVILLE FARM ESTATES | Executive Order No. 036-13 | Subject Suffix EP |
| Originating Department DEPARTMENT OF ENVIRONMENTAL PROTECTION | Department Number SW-13-001 | Effective Date April 1, 2013 |

DIVISION OF SOLID WASTE SERVICES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Summary: The proposed Executive Order expands Collection Subdistrict A under the procedures established by Executive Regulation No. 18-08.

BACKGROUND

1. Section 48-29(a) of the Montgomery County Code allows the Executive to expand or reduce the solid waste collection districts under procedures adopted by regulation or by the County Council in the Comprehensive Solid Waste Management Plan. The regulation also provides procedures for groups of homeowners to petition the County for transfer into or out of one of the service areas known as Subdistrict A and Subdistrict B.
2. On October 7, 2008, Executive Regulation No. 18-08 became effective. The Executive Regulation sets forth the procedures for groups of homeowners to petition the County for transfer into or out of one of the service areas known as Subdistrict A and Subdistrict B.
3. On October 3, 2012, a group of 68 homeowners in the Colesville Farm Estates petitioned the Department of Environmental Protection (DEP) in writing to transfer their area from Subdistrict B to Subdistrict A. In doing so, they would receive County-provided refuse collection services. This area is surrounded by Subdistrict A and contains 89 homes, more than the 25 homes required to meet the eligibility requirements of the Regulation.
4. DEP determined that the requirements of Executive Regulation No. 18-08 were met, and verified that the petition was signed by a homeowner from 25 percent or more of the eligible residences within the proposed transfer area.



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5. Within 120 days after receiving the petition containing the minimum number of valid signatures, DEP notified each homeowner in the proposed transfer area that households in Subdistrict A are charged an additional 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 also described the current level of service, the annual fee for County-provided refuse collection service, the boundaries of the proposed transfer area, and the date and location of the public hearing on the transfer. The notice also informed the homeowners of the availability of private refuse collection services
6. DEP attached a ballot with the name and address of each homeowner to the notice described in paragraph 5 above, advising homeowners that the last day to submit their ballots was more than sixty (60) days after the notice was mailed to homeowners. The notices were mailed on November 20, 2012 to the 89 homeowners in the proposed transfer area, with a due date to return the ballot cards no later than Tuesday, January 22, 2013.
7. DEP has maintained a list of interested parties who indicated they wished to be notified in the event a proposed transfer is being considered by the County. On November 5, 2012, they were notified by certified mail of the proposed transfer, and that a public hearing was scheduled on November 28, 2012.
8. DEP held the public hearing on Wednesday, November 28, 2012 at the Executive Office Building, 101 Monroe Street, Rockville, MD 20850, more than fifteen (15) days prior to the closing date for the submission of homeowner ballots. Those present at the hearing were Joe O'Donnell, DSWS and Hearing Examiner, and Robin Ennis, designee of the Director of the Department of Environmental Protection. Attached is the Hearing Officer's Report of the hearing.
9. On January 25, 2013, within thirty (30) days of the last date for ballot submission, DEP staff tallied the votes received and determined that 74.16 percent of the 89 homeowners in the area favored the transfer. The balloting results are available for public review.
10. Since the number of votes favoring the proposed transfer exceeds the required 50 percent of the residences in the defined area, DEP recommends that the transfer be approved.
11. DEP will mail a notice of the County Executive's decision to each homeowner in the proposed transfer area, and to each of the interested parties. If the transfer is approved, the notice will include the effective date of transfer and the commencement of service.



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ACTION

The petition from the Colesville Farm Estates Area to transfer from Subdistrict B to Subdistrict A is hereby Approved.

APPROVED:



Isiah Leggett
County Executive

March 17, 2013

Date

REVIEWED AS TO FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY Jemlyn E. Brooks
DATE February 19, 2013