



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject [HAULER AND COLLECTOR] SOLID WASTE TONNAGE REPORTING	Number 5-13
Originating Department DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date

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:

Comment Deadline:

Sunset Date: None

Summary: The proposed regulation describes the reporting procedures for a person 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, 6<sup>th</sup> Floor  
Rockville, Maryland 20850

Staff Contact: Theresa Souders  
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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 a person provides collection, hauling, or transporting services. The County also requires data on the total amount of solid waste and recycling collected by a person 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) "License" means a license issued under Montgomery County Code 1984, as amended, Section 48-19, or any succeeding provision providing for the collection and transportation of solid waste, including recyclable solid waste.]

[(b) "Licensee" means any hauler or collector of solid waste or recyclable solid waste which holds a valid license issued under Section 48-19 or any successor provision of the Montgomery County Code 1984, as amended.]

[(c)](a) "Recycling" means [a] any process by which materials are [of diverting] diverted from the solid waste [from a disposal facility and converting it into new, usable finished product or using it as a] stream and are collected, separated, processed and returned to the economic mainstream in the form of raw [material] materials or products for reuse [in a manufacturing process].

(b) "Person" means the County or any agency or institution thereof, public or private corporation, individual, partnership or other entity, including any officer or governing or managing body of any public or private corporation.



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**Section 2. [Haulers and collectors reporting requirements] Reporting Requirements of a Person Collecting, Hauling, or Transporting Solid Waste or Recycling:**

- (a) General. [Each licensee] A person 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 [collected and/or] or recycling collected, hauled or transported. [Licensees] A person 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 [for the previous semi-annual reporting period]:
- (1) The [license number and the licensee's name] person's name and contact information;
  - (2) The amount and type of solid waste or recycling collected [for recycling and disposal] by the type of solid waste or recycling and type of generator (residential, multi-family, or [and] nonresidential);
  - (3) Permit number of all Montgomery County registered solid waste collection vehicles dedicated to handling solid waste for recycling and disposal during the report period;]
  - [(4)](3) [Geographic] Name and location of the facilities at which the [licensee] person delivered solid waste [for] or recycling [or disposal] during the reporting period and [a statement of] indicate the type and quantity of solid waste or recycling delivered to each facility;
  - [(5)](4) A signed acknowledgment that, to the best of the [licensee's] person's information, knowledge and belief, the information provided in the report is correct.
- (c) Report schedule. [Licensees] A person 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

[The first semi-annual report is due August 1, 1993, for the January 1 – June 30, 1993 reporting period.]



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## **Section 3. Administration.**

### **Responsibilities of the Department.**

- [(d)](a) Forms. The Department [must] will provide the [report] forms 30 days prior to the due date.  
[The licensee must contact the Department to obtain the forms.]
- [(e)](b) Verification of information. [(1)] Upon [written] request from the Department, [the licensee] a person 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 [and/or] 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 person providing a report or supporting documentation. The Department must not, unless required by law to do so, disclose any information provided by a person. 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.

## **Section [3]4. Enforcement.**

[Noncompliance with this reporting requirement constitutes a violation of Montgomery County Code 1984, as amended, Section 48-19 and may be cause for the County denying or suspending a license. Noncompliance may also result in enforcement actions pursuant to Montgomery County Code 1984, as amended, Sections 1-18 to 1-20.]

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



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## Section [4]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. [If a court of competent jurisdiction holds that part of this regulation is invalid, the invalidity does not affect other parts of this regulation.]

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Isiah Leggett  
County Executive

APPROVED AS TO FORM AND LEGALITY.  
OFFICE OF COUNTY ATTORNEY  
BY Jemlyn E. Brooks  
DATE April 16, 2013