

County Council Of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 1

Resolution No. 10-2021

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION adopting the Office Building Recycling Plan as an amendment to the Solid Waste Management Plan, 2014-2024, in accordance with the procedure required by State Law.

Introduced and read first time _____, 2021.

By order _____
Diane Schwartz Jones, Administrator

Read for a second time at a public hearing on _____, 2021.

By order _____
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted ____, Adopted with amendments ____, Failed ____, Withdrawn ____, by the County Council on _____, 2021.

Certified By _____
Diane Schwartz Jones, Administrator

Approved by the County Executive _____, 2021

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Section 9-503 of the Environment Article of the Annotated Code of
2 Maryland (the “State Law”) requires each county to have a solid waste management plan that
3 covers at least the 10-year period following adoption of the plan by the county governing body;
4 and

5
6 **WHEREAS**, pursuant to Section 9-505(a)(18) of the State Law, each county plan must
7 include a recycling plan, and each plan must contain the items set forth in Section 9-1703 of the
8 State Law; and

9
10 **WHEREAS**, Howard County’s current Solid Waste Management Plan, 2014-2024, (the
11 “Plan”) was adopted by passage of Council Resolution No. 40-2015; and

12
13 **WHEREAS**, Section 9-503(c) of the State Law provides that a county governing body
14 shall adopt a revision or amendment to its county plan if the State’s Department of the
15 Environment requires a revision or amendment; and

16
17 **WHEREAS**, Section 9-1714 of the State Law was amended during the 2019 General
18 Assembly Session by passage of Senate Bill 370 (“SB370”); and

19
20 **WHEREAS**, SB370 requires that a county address, in a recycling plan required to be
21 submitted to the Secretary of the Environment, the collection and recycling of recyclable
22 materials from buildings that are 150,000 square feet or greater of office space and to require
23 each owner of the affected office building to provide recycling receptacles for the collection of
24 recyclable materials and for the removal of certain materials; and


25
26 **WHEREAS**, SB370 requires that office building recycling plans be adopted by October
27 1, 2021; and

28
29 **WHEREAS**, the Department of Public Works has prepared the attached amendment in
30 order to comply with Section 9-1714 of the State Law.

31

1 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
2 Maryland, this _____ day of _____, 2021, that, pursuant to Sections 9-503 and 9-
3 1714 of the Environment Article of the Annotated Code of Maryland, it adopts the “Office
4 Building Recycling Plan” as attached to this Resolution, as Exhibit A and Exhibit B, and makes
5 the following amendments to the Solid Waste Management Plan:

6 1. On page 1-13, at the end of Section 1.3.3, insert the following as the last diamond:

7 “ *RECYCLING – MARYLAND OFFICE BUILDING RECYCLING (SECTION 9-1714) OF THE*
8 *ENVIRONMENTAL ARTICLE, ANNOTATED CODE OF MARYLAND: THE LAW REQUIRES*
9 THE OWNER OF AN OFFICE BUILDING WITH 150,000 SQUARE FEET OR GREATER OF
10 OFFICE SPACE PROVIDE FOR THE COLLECTION AND RECYCLING OF CERTAIN
11 RECYCLABLE MATERIALS. AN OFFICE BUILDING OWNER WILL BE REQUIRED TO
12 COMPLETE A RECYCLING PLAN AND ANNUAL RECYCLING REPORT.”

13
14 2. On page 3-44, after Section 3.5.2.5, Education, insert new Section 3.5.2.6, Office
15 Building Recycling Plan, and subsections 3.5.2.6.1, 3.5.2.6.2, and 3.5.2.6.3 as
16 shown in Exhibit A attached to this Resolution.

17
18 3. On page 4-15, after Section, 4.5.12, Increase Recovery Rate, insert new Section
19 4.5.13, Office Building Recycling Plan, as shown in the Exhibit B attached to this
20 Resolution.

21
22 **AND BE IT FURTHER RESOLVED**, by the County Council of Howard County,
23 Maryland that the Director of the Department of Public Works is authorized to publish this
24 amendment and to make any modifications necessary to the Table of Contents of the Solid Waste
25 Management Plan or to correct obvious errors in section references and numbers, capitalization,
26 spelling, grammar, headings, and other similar matters.

SECTION 3.5.2.6 OFFICE BUILDING RECYCLING PLAN

STATE LAW REQUIRES THE OWNER OF AN OFFICE BUILDING WITH 150,000 SQUARE FEET OR GREATER OF OFFICE SPACE TO PROVIDE RECYCLING RECEPTACLES FOR THE COLLECTION OF PLASTIC, METAL, CARDBOARD, AND PAPER FOR STAFF IN THE BUILDINGS AND FOR THE REMOVAL OF THE MATERIALS FOR FURTHER RECYCLING BY OCTOBER 1, 2021 ("OFFICE BUILDING RECYCLING PLAN"). THIS REQUIREMENT INCLUDES OFFICE BUILDINGS LOCATED ON THE SAME PROPERTY THAT, IN THE AGGREGATE, TOTAL OFFICE SPACE OF 150,000 GROSS SQUARE FEET OR GREATER. OFFICE BUILDING RECYCLING MUST BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY'S MDE-APPROVED OFFICE BUILDING RECYCLING PLAN WHICH IS AN INTEGRAL PART OF THE COUNTY SOLID WASTE MANAGEMENT PLAN. TO IMPLEMENT THE STATE LAW, THE COUNTY WILL NOTIFY ALL AFFECTED OFFICE PROPERTIES IN THE COUNTY OF THE NEW RECYCLING REQUIREMENT BY MARCH 1, 2021, BY PROVIDING ALL AFFECTED OFFICE PROPERTIES IN THE COUNTY WITH THE COUNTY OFFICE BUILDING RECYCLING PLAN AND INFORMATION ABOUT DEVELOPING AND SUBMITTING A PROPOSED PLAN TO THE COUNTY. THE COUNTY REQUIRES THAT EACH AFFECTED OFFICE BUILDING EXISTING AS OF DECEMBER 1, 2020, SUBMIT A PROPOSED OFFICE BUILDING RECYCLING PLAN TO THE HOWARD COUNTY RECYCLING DIVISION BY MAY 1, 2021. WITHIN 30 DAYS OF THE COUNTY'S APPROVAL OF THE OFFICE BUILDING RECYCLING PLAN, THE OWNER MUST BEGIN PUBLICIZING THE PLAN TO THEIR TENANTS AND STAFF. OWNERS MUST PROVIDE WEEKLY RECYCLING COLLECTION IN ACCORDANCE WITH AN APPROVED OFFICE BUILDING RECYCLING PLAN BY JULY 1, 2021. FOR NEW CONSTRUCTION OR REDEVELOPMENT OF OFFICE BUILDINGS, THE SITE DEVELOPMENT PLAN MUST BE REVIEWED BY THE BUREAU OF ENVIRONMENTAL SERVICES TO VERIFY ACCOMMODATION IS MADE FOR RECYCLING. OFFICE BUILDING RECYCLING PLANS MUST BE APPROVED BEFORE USE AND OCCUPANCY PERMITS ARE ISSUED AND RECYCLING COLLECTION MUST COMMENCE WHEN THE OFFICE BUILDING HAS AT LEAST ONE TENANT OR OFFICE EMPLOYEE. HOWARD COUNTY WILL MAINTAIN A LIST OF OFFICE BUILDINGS COVERED BY THE LAW AND WILL CONTINUALLY UPDATE THE LIST. INTERESTED PARTIES MAY CALL THE HOWARD COUNTY RECYCLING DIVISION TO OBTAIN INFORMATION ABOUT THE LIST OR FOR ASSISTANCE WITH DEVELOPMENT OF AN OFFICE BUILDING RECYCLING PLAN. OWNERS SHALL SUBMIT AND IMPLEMENT THE OFFICE BUILDING RECYCLING PLAN AND SHALL COMPLETE THE ANNUAL RECYCLING REPORT.

SECTION 3.5.2.6.1

OFFICE BUILDING RECYCLING PLANS AT A MINIMUM MUST INCLUDE THE FOLLOWING:

- a) A MAP OF THE PROPERTY SHOWING ALL BUILDINGS AND THE INTENDED LOCATION OF ALL OUTDOOR RECYCLING COLLECTION CONTAINERS.
- b) IF LEASED SPACE, THE NUMBER OF TENANTS AND EMPLOYEES AT THE LOCATION.
- c) A DESCRIPTION OF HOW RECYCLING WILL BE COLLECTED WITHIN THE OFFICE SPACES INCLUDING NUMBER AND TYPE OF CONTAINERS AND CUSTODIAN RESPONSIBILITIES.
- d) A DESCRIPTION OF THE NUMBER, SIZE, TYPE AND COLOR OF COLLECTION CONTAINERS.
- e) A DESCRIPTION OF THE WEEKLY TRANSPORTATION OF THE RECYCLABLES TO A RECYCLABLES PROCESSOR OR END-USER.
- f) A DESCRIPTION OF HOW THE RECYCLABLES WILL BE MARKETED.

- g) A DESCRIPTION OF EFFORTS TO EDUCATE TENANTS AND STAFF ABOUT THE RECYCLING PLAN AND EXAMPLES OF THE MATERIALS USED TO COMMUNICATE THE PLAN.
- h) INSPECTION AND MONITORING PLANS TO VERIFY THAT THE RECYCLING PLAN IS PROPERLY IMPLEMENTED BY THE OWNER.

SECTION 3.5.2.6.2

OFFICE BUILDING RECYCLING ANNUAL REPORT

OWNERS MUST PROVIDE AN ANNUAL REPORT TO THE HOWARD COUNTY RECYCLING DIVISION BY MARCH 31 OF EACH YEAR, WHICH COVERS THE PREVIOUS CALENDAR YEAR AND PROVIDES THE FOLLOWING INFORMATION:

- a) BEGINNING AND END DATES FOR ALL SERVICES THAT BEGAN AND ENDED IN THE PREVIOUS CALENDAR YEAR.
- b) CONTACT INFORMATION FOR ALL TRANSPORTERS OF RECYCLABLES, WHETHER THE OWNER SELF-HAULS OR CONTRACTS WITH A THIRD PARTY.
- c) CONTACT INFORMATION FOR ALL RECYCLABLES PROCESSORS, END-USERS OR BROKERS USED TO DISPOSE OF RECYCLABLES DURING THE PREVIOUS CALENDAR YEAR.
- d) A COPY OF AT LEAST ONE INVOICE FOR EACH THIRD-PARTY HAULERS, RECYCLABLES PROCESSORS, END-USERS OR BROKERS USED DURING THE PREVIOUS CALENDAR YEAR.
- e) TOTAL TONS OF WASTE GENERATED AND DISPOSED.
- f) THE TOTAL TONS OF RECYCLING HAULED FROM THE OFFICE BUILDING DURING THE PREVIOUS CALENDAR YEAR.
- g) DOCUMENTATION OF EFFORTS TO COMMUNICATE THE RECYCLING PLAN TO TENANTS AND STAFF.
- h) A LETTER SIGNED BY THE OWNER THAT STATES THAT THE TENANTS OR STAFF OF THE OFFICE BUILDING HAVE HAD ACCESS TO A WEEKLY SERVICE WITH THE MINIMUM NUMBER, TYPE, SIZE AND COLOR OF COLLECTION CONTAINERS APPROVED BY THE COUNTY IN THE RECYCLING PLAN.

SECTION 3.5.2.6.3

MONITORING AND ENFORCEMENT

THE HOWARD COUNTY RECYCLING DIVISION WILL MONITOR THE PERFORMANCE OF EACH OFFICE BUILDING RECYCLING PROGRAM. THE COUNTY HAS THE RIGHT TO INSPECT ANY OFFICE BUILDING TO ASSESS ANY ELEMENT OF THE PROGRAM. IF THE COUNTY IDENTIFIES ANY DEFICIENCIES, THE OWNER HAS 30 DAYS TO CORRECT THESE DEFICIENCIES UPON WRITTEN NOTIFICATION BY THE COUNTY. THE RECYCLING DIVISION MAY REQUIRE CHANGES TO AN APPROVED OFFICE BUILDING RECYCLING PLAN. IN ADDITION TO THE INFORMATION PROVIDED IN THE ANNUAL REPORT, OWNERS MUST PROVIDE DOCUMENTATION RELATED TO THE RECYCLING PLAN, WHEN REQUESTED BY THE COUNTY. ANY OWNER WHO DOES NOT IMPLEMENT THEIR RECYCLING PLAN, DOES NOT SUBMIT AN ANNUAL REPORT, DOES NOT COOPERATE IN PROVIDING ACCESS, OR INFORMATION ABOUT ITS RECYCLING PROGRAM IS IN VIOLATION OF HOWARD COUNTY CODE §18.613 AND IS SUBJECT TO A CIVIL PENALTY FOR EACH DAY THAT THAT THE VIOLATION CONTINUES. IN ADDITION TO A CIVIL PENALTY, THE COUNTY MAY PURSUE OTHER LEGAL ACTION TO ENFORCE STATE AND COUNTY LAW.

SECTION 4.5.13

OFFICE BUILDING RECYCLING

As described in chapter 1, section 9-1714 of the Environmental Article, Annotated Code of Maryland, which became effective October 1, 2019, requires that recycling services be provided at all office buildings that have 150,000 square feet or greater of office space provide separate collection and removal of recyclable materials by October 1, 2021, and allows the counties to enforce this law and to require reporting.

Council Bill No. Xxxx, adopted xxxxx, added Title 18, Subtitle 6A, Section 18.613, Office Building Recycling, to the Howard County Code to address the enforcement of this new law and of the "Office Building Recycling Plan", effective xxxx. Council Resolution No. X-xxxx, also adopted xxxxx, amended The County's Solid Waste Management Plan to include this Office Building Recycling Plan.

Chapter 3 details the requirements for office building recycling.