

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 January 4, 2021.

By order


Diane Schwartz Jones, Administrator

Read for a second time at a public hearing on February 16, 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 March 1, 2021.

Certified By


Diane Schwartz Jones, Administrator

Approved by the County Executive March 2, 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.

1 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
2 Maryland, this 2nd day of March, 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 AND WHICH SHALL COMPLY WITH 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.

Amendment 1 to Council Resolution No. 10-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 5
Date: March 1, 2021**

Amendment No. 1

(This amendment requires that the Office Building Recycling Plan shall also comply with the County's Solid Waste Management Plan.)

- 1 In the Office Building Recycling Plan, attached to the Resolution as Exhibit A, in Section
- 2 3.5.2.6, in the seventh line, after "IS AN INTEGRAL PART OF" insert "AND WHICH SHALL COMPLY
- 3 WITH".

ADOPTED 3/1/21
FAILED _____
SIGNATURE [Signature]

CR40-21

**Howard County**
Internal Memorandum

Subject: Testimony & Fiscal Analysis Statement

Council Resolution No. ___-2021 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.

Council Bill No. ___-2021 AN ACT requiring certain recycling services for Office Buildings over a certain size; requiring compliance with the County’s Solid Waste Management Plan; authorizing certain inspections; providing for certain penalties; and generally related to office building recycling in Howard County.

To: Lonnie R. Robbins,
Chief Administrative Officer

From: Tom Meunier, Director
Department of Public Works

DocuSigned by:
Thomas Meunier
977F1202E3D14B4...

Date: December 16, 2020

Section 9-503 of the Environment Article of the Annotated Code of Maryland (the “State Law”) requires each Maryland County to have a solid waste management and recycling plan that covers at least the 10-year period following adoption of the plan by the county governing body. Additionally, pursuant to Section 9-505(a)(18) of the State Law, each county plan must include a recycling plan, and each plan must contain the items set forth in Section 9-1703 of the State Law. Howard County’s previous Solid Waste Management Plan, 2014-2024, was adopted by passage of Council Resolution No. 40-2015.

During the 2019 General Assembly legislative session, Section 9-1714 of the State Law was amended by passage of Senate Bill 370 (SB370) and requires that a county address, in a recycling plan required to be submitted to the Secretary of the Environment, the collection and recycling of recyclable materials from buildings that are 150,000 gross square feet or greater of office space and to require each owner of an office building to provide recycling receptacles for the collection of recyclable materials and for the removal of certain materials. In addition, SB370 requires that office building recycling plans be adopted by October 1, 2021. Council Resolution No. ___-2021 proposes to adopt the Office Building Recycling Plan as required by SB370 for Office Buildings over 150,000 square feet.

Additionally, Council Bill No. ___-2021 is a companion piece of legislation and requires compliance with the Office Building Recycling Plan and authorizes inspections and establishes enforcement provisions such as civil penalties.

Fiscal Analysis:

There are currently eight buildings in the County covered by this legislation and the cost of an inspection program is expected to be absorbed by existing personnel. . There will be minimal costs of about \$1,000 associated with education and outreach to property owners and tenants regarding the implementation and enforcement of the plan. Most costs will be in supplies and materials, specifically printing and mailing costs, and will be paid out of the Environmental Services Fund.

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;
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7 include a recycling plan, and each plan must contain the items set forth in Section 9-1703 of the
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11 “Plan”) was adopted by passage of Council Resolution No. 40-2015; and

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22 materials from buildings that are 150,000 square feet or greater of office space and to require
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24 recyclable materials and for the removal of certain materials; and

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

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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.

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.”

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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.

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18 3. On page 4-15, after Section, 4.5.12, Increase Recovery Rate, insert new Section
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20 Resolution.

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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.

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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.

Amendment 1 to Council Resolution No. 10-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 5
Date: March 1, 2021**

Amendment No. 1

(This amendment requires that the Office Building Recycling Plan shall also comply with the County's Solid Waste Management Plan.)

- 1 In the Office Building Recycling Plan, attached to the Resolution as Exhibit A, in Section
- 2 3.5.2.6, in the seventh line, after "IS AN INTEGRAL PART OF" insert "AND WHICH SHALL COMPLY
- 3 WITH".

**Office of the County Auditor
Auditor's Analysis**

Council Resolution No. 10-2021

Introduced: January 4, 2021

Auditor: Michelle R. Harrod

Fiscal Impact:

According to the Administration, the fiscal impact of this legislation is approximately \$1,000 annually for education and outreach. It has indicated costs for inspection will be handled by existing staff.

No significant costs, resources, or revenues are expected from this legislation. The Administration has indicated the following:

- Training, education, and outreach would be conducted using existing resources;
- Howard County does not collect from commercial buildings; and
- Costs to modify the County Recycling Plan will be absorbed by existing staff.

There will be no general fund revenue used to pay the expenditures associated with this bill. Revenue collected in the Environmental Services Fund will be utilized.

Purpose:

The purpose of this legislation is to change the County Recycling Plan as required by the passage of Senate Bill 370. This Senate bill requires Counties to submit an Office Building Recycling Plan (Plan) for buildings that are 150,000 gross square feet or greater. According to requirements of the Plan, building owners must:

- Provide a recycling plan to the County by May 1, 2021;
- Provide an annual report to the County by March 31 of each year;
- Provide recycling receptacles for the collection and recycling of plastics, metal, cardboard, and paper;
- Arrange for removal of the collected recyclables;
- Comply with the Office Building Recycling Plan; and
- Allow County access for the inspection and enforcement of the Plan.

Other Comments:

Companion legislation is Council Bill 6-2021, which includes changes to the County Code required by the passage of Senate Bill 370. It also requires the adoption of this Plan by October 1, 2021 and submission of the Plan to the Secretary of the Environment.

According to the Administration, there are currently eight buildings which are affected by this legislation. The location of those buildings is listed in **Exhibit 1** below.

Exhibit 2 (attached) is the most recent Annual Business Recycling Report Survey. The Administration has indicated that the information is reported in tons and that 2018 is the most recent verified report.

The Administration further indicated that this legislation would make it a requirement for businesses to report their recycling effort, which should provide a more accurate indication of the County's recycling efforts.

Exhibit 1 – Howard County Buildings over 150,000 Square Feet

| Property Address | City | Property Manager | Combined Sq. Ft. |
|--|----------|---------------------------|------------------|
| 6841 Benjamin Franklin Dr. (Franklin Center) | Columbia | Trans Western Real Estate | 200,603 |
| 7031 Columbia Gateway Dr. | Columbia | Avison Young | 247,624 |
| 6460 Dobbin Rd. | Columbia | NAI Klmb | 160,200 |
| 10661 Gramercy Pl. (70 Corporate Center) | Columbia | NAI Klmb | 168,647 |
| 10175 Little Patuxent Parkway | Columbia | Mackenzie | 301,851 |
| 6100 Merriweather Dr. | Columbia | Howard Hughes | 325,600 |
| 6011, 6021, 6031 University Parkway | Elkridge | Merritt Properties | 163,900 |
| 8110-8170 Maple Lawn Blvd. | Fulton | St. John Properties | 258,299 |

Table provided by Department of Public Works. It has indicated this list may change as properties are constructed and leased.

Sayers, Margery

From: Pat Hersey <trishhersey@hotmail.com>
Sent: Friday, February 12, 2021 10:18 AM
To: CouncilMail
Subject: Resolution CR10-2021

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council,

Recycling can be a tremendous benefit to the community and the planet. Conserving natural resources, protecting, ecosystems and wildlife, reducing demand for raw materials, saves energy, and cutting climate-changing carbon emissions are just a few reasons to encourage recycling.

However, we must recycle right. Plastic bags have been called the "the villain of the bin".

Plastic bags in recycling facilities will gum up machines, causing machinery to shut down for repairs, leading to lost time and money. The plastic bag would contaminate all the items that otherwise would be recycled.

With the fragile state of our environment, we cannot afford to be wasteful. No one wants to live between landfills.

I wish to express support for the Office Building Recycling Plan in CR10-2021. However the plan needs an amendment to acknowledge that plastic bags may be prohibited by the recovery facility.

The plan must acknowledge that the business will not use plastic bags if this is contrary to the policies of the recyclables processor or end-user.

Thank you for your consideration.

Pat Hersey
9462 Farewell Rd
Columbia, MD 21045

Sent from my iPad

Sayers, Margery

From: Natasha S <n1shangold2014@gmail.com>
Sent: Tuesday, January 26, 2021 1:55 PM
To: CouncilMail
Subject: Support CR10-2021 Office recycling plan

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Good afternoon,

Please support CR10-2021 Office recycling plan. However, I think it needs to acknowledge that the recycling cannot be in plastic bags because if they are thrown out the provisions for having receptacles and collection is illusory. Therefore, please amend to include this.

Thanks Always,
Natasha Shangold

8937 Skyrock Ct, Columbia, MD 21046