

Council Bill 6-2021
Introduced: January 4, 2021
LA: Lynne Rosen

confidential

Legislative Intent:

This Bill requires recycling services for office buildings that have 150,000 square feet or greater of office space.

ANALYSIS

Specifics:

The bill requires an owner of an owner of an office building that has 150,000 square feet or greater of office space to provide recycling receptacles for the collection of paper and cardboard, metal, and plastic materials. A tenant may fulfill the required recycling on written agreement between the owner and the tenant of the office building. An owner or a tenant of an office building that provides for recycling must report to the County on the recycling activities in accordance with the County Office Building Recycling Plan "Plan".

The County is authorized to enforce the recycling requirements. The County may conduct inspections of an office building to enforce the recycling requirements with civil penalties. A violation is a Class E offense under Title 24, "Civil Penalties" of the Code. A Class E offense has a minimum fine of \$25 and a maximum fine of \$50. Each day that a violation occurs or continues is a separate offense. In addition, the County may institute injunctive, mandamus, or other appropriate legal action for the enforcement of or to correct violations of the law or the Plan. Any court of competent jurisdiction may issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

According to the Administration, this bill will impact eight office buildings in the County. The list below is expected to change as new properties are constructed and leased.

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 Klnb	160,200
10661 Gramercy Pl. (70 Corporate Center)	Columbia	NAI Klnb	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
----------------------------	--------	---------------------	---------

Policy Implications:

To what extent does this bill help the County meet the PlanHoward 2030 recycling goal of 75 percent by 2030 and the Maryland zero-waste recycling goal of 80 percent by 2040?

Issues/Questions:

None.

Special Notes:

Each county in the State is required to have a solid waste management and recycling plan that applies to the 10-year period following adoption of the plan by the county governing body, *see* § 9-503 of the Environment Article. For a county with a population greater than 150,00, the county was required to include a recycling plan by July 1, 2014 that met specified requirements, *see* § 9-505(a)(18) of the Environment Article and COMAR 26.03.03.02. Council Resolution CR40-2015 adopted the County Solid Waste Management Plan, 2014-2024.

Under State law, on or before October 1, 2021, an owner of an office building that has 150,000 square feet or greater of office space must provide:

- recycling receptacles for the collection of recyclable materials; and
- for the removal for further recycling of the following materials, as determined by the county or municipality in which the building is located, deposited into the recycling receptacles: paper and cardboard, metal, and plastic materials, *see* Section 9-1714 of the Environment Article.

State law further provides that on agreement between an office building owner and the tenant of the office building, a tenant may fulfill the recycling requirements. A county may require an office building owner or a tenant of the office building that provides the required recycling to report to the county on recycling activities in a manner determined by the county. The recycling must be carried out in accordance with the recycling plan required under § 9-1703 of the Environment Article for the county in which the office building is located. Inspections by a local enforcement unit, officer, or official may be conducted under State law.

CR 10-2021 is a companion piece of legislation that adopts 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. CR 10 is being tabled and the Public Hearing will occur on February 6, 2021.


Howard County
Internal Memorandum

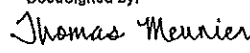
Subject: Testimony & Fiscal Analysis Statement

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:

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.