

# County Council Of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 1

Resolution No. 7 -2014

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

A RESOLUTION approving an amendment to the Solid Waste Management Plan, 2003-2013, in accordance with the procedure required by State Law.

---

Introduced and read first time January 6, 2014.

By order Sheila M. Tolliver  
Sheila Tolliver, Administrator

Read for a second time at a public hearing on January 20, 2014.

By order Sheila M. Tolliver  
Sheila Tolliver, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on February 3, 2014.

Certified By Sheila M. Tolliver  
Sheila Tolliver, Administrator

Approved by the County Executive February 7, 2014

Ken Ulman  
Ken Ulman, 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, 2003-2013, (the  
11 “Plan”) was adopted by passage of Council Resolution No. 136-2003; 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 9-1711 of the State Law was amended during the 2012 General  
18 Assembly Session by passage of House Bill 1 (“HB1”); and

19  
20           **WHEREAS**, HB 1 requires that the property owner or manager of an apartment  
21 building that contains 10 or more dwelling units, or the Council of Unit Owners for a  
22 condominium that contains 10 or more dwelling units provide for the collection and recycling of  
23 plastic, metal, glass, and paper at their properties by no later than October 1, 2014; and

24  
25           **WHEREAS**, the Department of Public Works has prepared the attached amendment to  
26 the Plan entitled “Apartment and Condominium Recycling Plan” in order to comply with  
27 Section 9-1711 of the State Law.

28  
29           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
30 Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 2014, that, pursuant to Sections 9-503 and 9-  
31 1711 of the Environment Article of the Annotated Code of Maryland, it adopts the “Apartment

1 and Condominium Recycling Plan” as attached to this Resolution and makes the following  
2 amendments to the Plan:

3 1. On page i-2 of the Plan, insert a new paragraph at the end of the section titled  
4 “AMENDMENTS” to read as follows:  
5 “This Plan is to be implemented in compliance with State Law. The County has  
6 adopted the “Apartment and Condominium Recycling Plan” to ensure that the  
7 owner or manager of an apartment building that contain 10 or more dwelling  
8 units, or the Council of Unit Owners for a condominium that contains 10 or more  
9 dwelling units provide for the collection and recycling of plastic, metal, glass, and  
10 paper at their properties by no later than October 1, 2014.”; and

11  
12 2. On page 3-54 of the Plan, strike the title, “Apartment and Condominium  
13 Recycling” and strike both paragraphs below it and insert all of the text included  
14 in Exhibit A attached to this Resolution.

15  
16 **AND BE IT FURTHER RESOLVED**, by the County Council of Howard County,  
17 Maryland that the Director of the Department of Public Works is authorized to publish this  
18 amendment and to make any modifications necessary to the Table of Contents of the Plan or to  
19 correct obvious errors in section references and numbers, capitalization, spelling, grammar,  
20 headings, and other similar matters.

21  
22 **AND BE IT FURTHER RESOLVED**, that this Resolution shall be effective when  
23 Council Bill No. 2-2014 is effective.



## **Apartment and Condominium Recycling**

State law requires apartment buildings and condominiums with 10 or more dwelling units ("Multi-family Communities") to provide recycling of plastic, metal, glass containers, and paper for their residents. Multi-family Community recycling must be carried out in accordance with the requirements of the County Solid Waste Management Plan. This section of the County Waste Solid Waste Management Plan details the requirements for Multi-family Community recycling.

In order to implement State law, the County has notified all Multi-family Communities in the County of the new recycling requirement. Before March 15, 2014, the County will provide all Multi-family Communities in the County with the County Apartment and Condominium Recycling Plan and information about developing and submitting a proposed Recycling Plan to the County. The County requires that each Multi-family Community existing as of December 31, 2013, submit a proposed Recycling Plan to the Howard County Recycling Division before May 1, 2014.

Once the County approves the Recycling Plan, the Multi-family Community must begin publicizing the Recycling Plan to their residents. Multi-family Communities must provide weekly recycling collection in accordance with an approved Recycling Plan by October 1, 2014.

For new construction or redevelopment of Multi-family Communities, the site development plan must be reviewed by the Bureau of Environmental Services to verify accommodation is made for recycling. Recycling Plans must be approved before Use and Occupancy is issued and recycling collection must commence when the Multi-family Community has at least one resident.

Howard County maintains a list of Multi-family Communities that is updated every 3 years. Interested parties may call the Howard County Recycling Division at 410-313-6444 to obtain information about the list or for assistance with development of a Recycling Plan.

The Property Owner or Manager of an apartment building that contains 10 or more dwelling units or the Council of Unit Owners for a Condominium that contains 10 or more dwelling units (the "Responsible Party") are responsible for submitting and implementing the Recycling Plan.

### **Multi-family Community Recycling Plans**

At a minimum, the Recycling Plan must include the following:

- A map of the property showing all buildings and the intended location of all recycling collection containers.
- A description of the number, size, type, and color of collection containers.
- A description of the weekly transportation of the recyclables, to a Recyclables Processor, End-user, or to the Alpha Ridge Landfill.
- A description of how the recyclables will be marketed.

- A description of efforts to educate residents about the Recycling Plan and examples of the materials used to communicate the Plan to residents.
- Inspection and monitoring plans to verify that the Recycling Plan is properly implemented.

### **Annual Report**

Responsible Parties must provide an Annual Report to the Howard County Recycling Division by March 1 of each year, which covers the previous Calendar Year and provides the following information:

- Beginning and end dates for all services that began and ended in the previous Calendar Year.
- Contact information for all transporters of recyclables, whether the Responsible Party self-hauls or contracts with a third party.
- Contact information for all Recyclables Processors, End-users, or Brokers used to dispose of recyclables during the previous Calendar Year.
- A copy of at least one invoice for all third party haulers, Recyclables Processors, End-Users, or Brokers used during the previous Calendar Year.
- The total number of tons of recycling that were hauled from the Multi-family Community during the previous Calendar Year.
- Documentation of efforts to communicate the Recycling Plan to residents.
- A letter signed by the Responsible Party that states that the residents of the Multi-family Community 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.

### **Monitoring and Enforcement**

The Howard County Recycling Division will monitor the performance of each Recycling Program. The County has the right to inspect any Multi-family Community to assess any element of the Program. If the County identifies any deficiencies, the Responsible Party has 30 days to correct these deficiencies upon written notification by the County.

The Recycling Division may require changes to an approved Plan. In addition to the information provided in the Annual Report, Responsible parties must provide documentation related to the Recycling Plan, when requested by the County.

Any Responsible Party who does not implement their Recycling Plan, does not submit an Annual Report, or does not cooperate in providing access or information about its recycling program is in violation of Howard County Code ~~§16.611~~§18.611 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.

Amendment 1 to Council Resolution No. 7-2014

BY: Chairperson at the request  
of the County Executive

Legislative Day No. 2  
Date: February 3, 2014

Amendment No. 1

*(This amendment corrects a cross reference.)*

- 1 In the Apartment and Condominium Recycling Plan, attached to the Resolution as introduced, at  
2 the bottom of the second page, in the last paragraph, strike “§16.611” and substitute “§18.611”.

ADOPTED 2/3/2014  
FAILED \_\_\_\_\_  
SIGNATURE Shirley Johnson





## **Apartment and Condominium Recycling**

State law requires apartment buildings and condominiums with 10 or more dwelling units ("Multi-family Communities") to provide recycling of plastic, metal, glass containers, and paper for their residents. Multi-family Community recycling must be carried out in accordance with the requirements of the County Solid Waste Management Plan. This section of the County Waste Solid Waste Management Plan details the requirements for Multi-family Community recycling.

In order to implement State law, the County has notified all Multi-family Communities in the County of the new recycling requirement. Before March 15, 2014, the County will provide all Multi-family Communities in the County with the County Apartment and Condominium Recycling Plan and information about developing and submitting a proposed Recycling Plan to the County. The County requires that each Multi-family Community existing as of December 31, 2013, submit a proposed Recycling Plan to the Howard County Recycling Division before May 1, 2014.

Once the County approves the Recycling Plan, the Multi-family Community must begin publicizing the Recycling Plan to their residents. Multi-family Communities must provide weekly recycling collection in accordance with an approved Recycling Plan by October 1, 2014.

For new construction or redevelopment of Multi-family Communities, the site development plan must be reviewed by the Bureau of Environmental Services to verify accommodation is made for recycling. Recycling Plans must be approved before Use and Occupancy is issued and recycling collection must commence when the Multi-family Community has at least one resident.

Howard County maintains a list of Multi-family Communities that is updated every 3 years. Interested parties may call the Howard County Recycling Division at 410-313-6444 to obtain information about the list or for assistance with development of a Recycling Plan.

The Property Owner or Manager of an apartment building that contains 10 or more dwelling units or the Council of Unit Owners for a Condominium that contains 10 or more dwelling units (the "Responsible Party") are responsible for submitting and implementing the Recycling Plan.

### **Multi-family Community Recycling Plans**

At a minimum, the Recycling Plan must include the following:

- A map of the property showing all buildings and the intended location of all recycling collection containers.
- A description of the number, size, type, and color of collection containers.
- A description of the weekly transportation of the recyclables, to a Recyclables Processor, End-user, or to the Alpha Ridge Landfill.
- A description of how the recyclables will be marketed.

- A description of efforts to educate residents about the Recycling Plan and examples of the materials used to communicate the Plan to residents.
- Inspection and monitoring plans to verify that the Recycling Plan is properly implemented.

### **Annual Report**

Responsible Parties must provide an Annual Report to the Howard County Recycling Division by March 1 of each year, which covers the previous Calendar Year and provides the following information:

- Beginning and end dates for all services that began and ended in the previous Calendar Year.
- Contact information for all transporters of recyclables, whether the Responsible Party self-hauls or contracts with a third party.
- Contact information for all Recyclables Processors, End-users, or Brokers used to dispose of recyclables during the previous Calendar Year.
- A copy of at least one invoice for all third party haulers, Recyclables Processors, End-Users, or Brokers used during the previous Calendar Year.
- The total number of tons of recycling that were hauled from the Multi-family Community during the previous Calendar Year.
- Documentation of efforts to communicate the Recycling Plan to residents.
- A letter signed by the Responsible Party that states that the residents of the Multi-family Community 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.

### **Monitoring and Enforcement**

The Howard County Recycling Division will monitor the performance of each Recycling Program. The County has the right to inspect any Multi-family Community to assess any element of the Program. If the County identifies any deficiencies, the Responsible Party has 30 days to correct these deficiencies upon written notification by the County.

The Recycling Division may require changes to an approved Plan. In addition to the information provided in the Annual Report, Responsible parties must provide documentation related to the Recycling Plan, when requested by the County.

Any Responsible Party who does not implement their Recycling Plan, does not submit an Annual Report, or does not cooperate in providing access or information about its recycling program is in violation of Howard County Code §16.611 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.



# Howard County

## Internal Memorandum

**Subject:** Testimony & Fiscal Impact Statement

**Council Resolution No. 7-2014** A RESOLUTION approving an amendment to the Solid Waste Management Plan, 2003-2013, in accordance with the procedure required by State Law, and

**Council Bill No. 2-2014** AN ACT requiring certain recycling services for certain apartment complexes and condominiums, requiring compliance with the County's "Apartment and Condominium Recycling Plan", authorizing certain inspections, providing for certain penalties, and generally related to apartment and condominium recycling in Howard County.

**To:** Lonnie R. Robbins,  
Chief Administrative Officer

**From:** James M. Irvin, Director *JMI*  
Department of Public Works

**Date:** January 3, 2014

The Department of Public Works has been designated coordinator for the preparation of testimony relative to CR 7-2014 and CB 2-2014. Section 9-503 of the Environment Article of the Annotated Code of Maryland (the "State Law") requires each 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. State Law further provides that counties shall adopt revisions or amendments to its plan if the Maryland Department of the Environment requires a revision or amendment.

In 2012, the General Assembly passed House Bill 1 that created Section 9-1711 in the Environmental Article, Annotated Code of Maryland. Section 9-1711 requires property owners or managers of apartment buildings consisting of 10 or more dwelling units, or the Council of Unit Owners for a condominium that contains 10 or more dwelling units to provide for the collection and recycling of plastic, metal, glass, and paper at their properties no later than October 1, 2014.

The Department of Public Works has prepared the necessary amendments to the county Solid Waste Management Plan. The amended text will completely replace the existing text found in the section titled "Apartment and Condominium Recycling". The amended text to be inserted can be found in Exhibit A of the Resolution.

Additionally, Section 9-1711(b)(2) of the Environmental Article, Annotated Code of Maryland requires a person who violates the recycling or reporting requirements of the law be subject to a civil penalty not exceeding \$50 for each day on which the violation occurs. CB 2-2104 addresses the changes needed in the Howard County Code to comply with this provision of the state law.

There is minimal fiscal impact.

MD/sc

cc: Jennifer Sager

