

Subtitle 17. Office of Recycling.

Part I. General Administration.

§ 9-1701. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Compost.* — “Compost” means the product of composting in accordance with the standards established by the Secretary of Agriculture under § 6-221 of the Agriculture Article.

(c) *Composting.* — “Composting” means the controlled biological decomposition of organic waste material in accordance with the standards established by the Secretary under this title.

(d) *Director.* — “Director” means the Director of the Office of Recycling.

(e) *Natural wood waste.* — (1) “Natural wood waste” means tree and other natural vegetative refuse.

(2) “Natural wood waste” includes tree stumps, brush and limbs, root mats, logs, and other natural vegetative material.

(f) *Natural wood waste recycling facility.* — (1) “Natural wood waste recycling facility” means a facility where recycling services for natural wood waste are provided.

(2) “Natural wood waste recycling facility” does not include a collection or processing facility operated by:

(i) A nonprofit or governmental organization located in the State; or

(ii) A single individual or business that provides recycling services for its own employees or for its own recyclable materials generated on its own premises.

(g) *Office.* — “Office” means the Office of Recycling within the Department.

(h) *Recyclable materials.* — “Recyclable materials” means those materials that:

(1) Would otherwise become solid waste for disposal in a refuse disposal system; and

(2) May be collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(i) *Recycling.* — (1) “Recycling” means any process in which materials that would otherwise become solid waste are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(2) “Recycling” includes composting.

(j) *Recycling services.* — “Recycling services” means the services provided by persons engaged in the business of recycling, including the collection, processing, storage, purchase, sale, or disposition of recyclable materials.

(k) *Resource recovery facility.* — “Resource recovery facility” means a facility in existence as of January 1, 1988 that:

(1) Processes solid waste to produce valuable resources, including steam, electricity, metals, or refuse-derived fuel; and

(2) Achieves a volume reduction of at least 50 percent of its solid waste stream.

(1) *Solid waste stream*. — (1) "Solid waste stream" means garbage or refuse that would, unless recycled, be disposed of in a refuse disposal system located in this State.

(2) "Solid waste stream" does not include:

- (i) Hospital waste;
- (ii) Rubble;
- (iii) Scrap material;
- (iv) Land clearing debris;
- (v) Sewage sludge; or

(vi) Waste generated by a single individual or business and disposed of in a facility dedicated solely for that entity's waste.

(m) *White goods*. — "White goods" includes:

- (1) Refrigerators;
- (2) Stoves;
- (3) Washing machines;
- (4) Dryers;
- (5) Water heaters; and
- (6) Air conditioners.

(n) *Yard waste*. — (1) "Yard waste" means organic plant waste derived from gardening, landscaping, and tree trimming activities.

(2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds, and prunings. (1988, ch. 536; 1989, ch. 5, § 1; 1991, ch. 448; 1992, ch. 389, § 1; 1993, ch. 5, § 1.)

Effect of amendments. — The 1992 amendment, effective Oct. 1, 1992, inserted (f) (2); and added (l) through (n). The 1992 amendment also added the part heading "Part I. General Administration" preceding this section.

The 1993 amendment, approved Mar. 16, 1993, and effective from date of enactment, redesignated former (l) and (m) as present (b) and (c), former (b) and (c) as present (d) and (e), former (g) as present (f), former (d) through (f) as present (g) through (i), and former (h) through (k) as present (j) through (m).

Editor's note. — Chapter 536, Acts 1988, designated §§ 9-1701 through 9-1706 as §§ 9-1601 through 9-1606, but since §§ 9-1601 through 9-1622 had previously been added by ch. 535, Acts 1988, the sections added by ch. 536 have been designated as §§ 9-1701 through 9-1706 herein. Additionally the subtitle heading added by ch. 536 has been redesignated from "Subtitle 16. Office of Recycling" to be "Subtitle 17. Office of Recycling."

§ 9-1702. Office created; director; staff; regulations; duties; financing comprehensive system of recycling.

(a) *Office created*. — There is an Office of Recycling created within the Department.

(b) *Director; staff*. — The Secretary shall appoint a Director and sufficient staff to perform the functions of the Office. After July 1, 1989, the number of staff shall be as provided in the budget.

(c) *Regulations*. — The Secretary may adopt regulations to carry out the provisions of this subtitle.

(d) *Duties generally*. — The Office shall:

(1) Assist the counties in developing an acceptable recycling plan required under § 9-1703 of this subtitle and § 9-505 of this title, including technical assistance to the local governments;

(2) Coordinate the efforts of the State to facilitate the implementation of the recycling goals at the county level; and

(3) Review all recycling plans submitted as part of a county plan as required under § 9-505 of this title and advise the Secretary on the adequacy of the recycling plan.

(e) *Studies and reports.* — Beginning on January 1, 1990, and biannually thereafter, the Office shall, in coordination with the Maryland Environmental Service, study and report to the Governor and, subject to § 2-1312 of the State Government Article, the General Assembly on:

(1) The availability of local, national, and international markets for recycling materials;

(2) The identification and location of recycling centers, including an analysis of existing recycling centers and the need to expand these facilities or construct new recycling centers;

(3) Programs necessary to educate the public on the need to participate in recycling efforts;

(4) The economics and financing of existing and proposed systems of waste disposal and recycling;

(5) State procurement policies for the purchase of recycled materials;

(6) Programs necessary to reduce the amount of solid waste generated for disposal by a State agency or unit;

(7) The liaison role with local governments, the federal government, and the private sector;

(8) The percentage reduction in the amount of solid waste that has been achieved by each county; and

(9) Economically feasible methods for the recycling of scrap automobile tires, batteries, and white goods.

(f) *Financing comprehensive system of recycling; county requests for funds.* — (1) By December 1, 1988, the Office shall, in coordination with the Maryland Environmental Service and the Governor's Task Force on Solid Waste, make recommendations to the General Assembly for the financing of a comprehensive system of recycling at the State and local level, including funding for recycling centers, recycling equipment, recycling education, and marketing strategies.

(2) After the financing recommendations are made under paragraph (1) of this subsection, each county may submit to the Office and the Governor a detailed request for funds necessary to assist in the development and implementation of a recycling plan under guidelines developed by the Office.

(g) *Consultation with related industries.* — In studying feasible methods for the management and recycling of used tires under subsection (e) (9) of this section, the Office of Recycling shall consult with the appropriate industry, including representatives of:

(1) Tire manufacturers;

(2) Tire dealers; and

(3) Tire recyclers. (1988, ch. 536; 1989, ch. 5, § 1; ch. 667; 1990, ch. 6, § 2; 1991, ch. 55, § 6.)

§ 9-1703. County recycling plans; reduction in volume of waste.

(a) *Submission.* — Each county shall submit a recycling plan to the Secretary for approval when the county submits its county plan to the Secretary in accordance with the provisions of § 9-505 of this title.

(b) *Contents.* — In preparing the recycling plan as required in § 9-505 of this title, the county shall address:

- (1) Methods to meet the solid waste stream reduction;
- (2) The feasibility of source separation of the solid waste stream generated within the county;
- (3) The recyclable materials to be separated;
- (4) The strategy for the collection, processing, marketing, and disposition of recyclable materials, including the cost-effective use of recycling centers;
- (5) Methods of financing the recycling efforts proposed by the county;
- (6) The feasibility of a system for the separate collection and mulching of leaves;
- (7) The feasibility of a system for the collection and recycling of white goods;
- (8) The separate collection of other recyclable materials; and
- (9) Any other alternative methods of recycling that will attain or exceed the solid waste stream reduction goals determined by the county.

(c) *Reduction in volume of waste.* — A county that achieves a reduction of at least 5 percent in the volume of its waste through the utilization of 1 or more resource recovery facilities in operation as of January 1, 1988 shall be considered to have achieved a reduction by recycling of 5 percent of its solid waste stream.

(d) *Beverage container deposits.* — In preparing a recycling plan, a county may not calculate a tax or mandatory deposit on any beverage container that is enacted by a county or municipality to achieve the recycling goals required under § 9-505 of this title.

(e) *Portable scales.* — For the purposes of determining weight, the Department may not preclude the use of portable weigh scales. (1988, ch. 536.)

(Amendment effective October 1, 1994.)

§ 9-1703. County recycling plans; reduction in volume of waste.

(b) *Contents.* — In preparing the recycling plan as required in § 9-505 of this title, the county shall address:

- (1) Methods to meet the solid waste stream reduction;
- (2) The feasibility of source separation of the solid waste stream generated within the county;

- (3) *The recyclable materials to be separated;*
- (4) *The strategy for the collection, processing, marketing, and disposition of recyclable materials, including the cost-effective use of recycling centers;*
- (5) *Methods of financing the recycling efforts proposed by the county;*
- (6) *Methods for the separate collection and composting of yard waste;*
- (7) *The feasibility of a system for the composting of mixed solid wastes;*
- (8) *The feasibility of a system for the collection and recycling of white goods;*
- (9) *The separate collection of other recyclable materials; and*
- (10) *Any other alternative methods of recycling that will attain or exceed the solid waste stream reduction goals determined by the county.*

(1992, ch. 389, § 2.)

Amendment effective October 1, 1994. — (7), and redesignates the remaining paragraph 2, ch. 389, Acts 1992, effective Oct. 1, 1994, accordingly. 1994, rewrites (b) (6); and inserts present (b)

§ 9-1704. Inability to achieve reduction of solid waste stream.

(a) *Counties with population greater than 150,000.* — (1) If a county with a population greater than 150,000 determines it cannot achieve a reduction of 20 percent of its solid waste stream under § 9-505 of this title, the county shall:

- (i) Conduct a public hearing on the proposed reduction that may be conducted jointly with other public hearings or meetings; and
- (ii) Publish notice of the time and place of the public hearing, together with a summary of the justification for the proposed reduction, in a newspaper of general circulation in the county once a week for 2 consecutive weeks before the hearing in the county.

(2) The Secretary shall review a county plan that does not meet the 20 percent recycling goal to determine whether the county's maximum goal, as stated in the plan, can be demonstrated to have a reasonable basis.

(3) The Secretary shall require revision of a county plan if, pursuant to a review under paragraph (2) of this subsection, the county's determination of its maximum goal is found to be unsupported by competent, material, and substantial evidence in light of the entire plan as submitted.

(b) *Counties with population less than 150,000.* — (1) If a county with a population less than 150,000 determines it cannot achieve a reduction of 15 percent of its solid waste stream under § 9-505 of this title, the county shall:

- (i) Conduct a public hearing on the proposed reduction that may be conducted jointly with other public hearings or meetings; and
- (ii) Publish notice of the time and place of the public hearing, together with a summary of the justification for the proposed reduction in a newspaper of general circulation in the county once a week for 2 consecutive weeks before the hearing in the county.

(2) The Secretary shall review a county plan that does not meet the 15 percent recycling goal to determine whether the county's maximum goal, as stated in the plan, can be demonstrated to have a reasonable basis.

(3) The Secretary shall require revision of a county plan if, pursuant to a review under paragraph (2) of this subsection, the county's determination of its maximum goal is found to be unsupported by competent, material, and substantial evidence in light of the entire plan as submitted. (1988, ch. 536; 1989, ch. 5, § 1.)

§ 9-1705. County reports.

Beginning on July 1, 1990, and biannually thereafter, each county, as a part of their solid waste plan update, shall provide a report to the Department which shall include:

- (1) The total amount, by weight, of solid waste collected;
- (2) The total amount, by weight, of solid waste disposed of at solid waste acceptance facilities;
- (3) The amount and types of materials recycled;
- (4) The methods of disposal of solid waste used, other than recycling; and
- (5) The percentage reduction in the amount of solid waste needing disposal that has been achieved. (1988, ch. 536.)

§ 9-1706. Recycling plan for State government.

(a) *In general.* — By July 1, 1990, the Office of Recycling, in cooperation with the Department of General Services and other State agencies, shall develop a recycling plan that reduces by recycling the amount of the solid waste stream generated for disposal by the State government by at least 20 percent or to an amount that is determined practical and economically feasible, but in no case may the amount to be recycled be less than 10 percent.

(b) *Implementation.* — By January 1, 1992 each State agency and unit of State government shall implement the recycling plan required under subsection (a) of this section. (1988, ch. 536; 1989, ch. 5, § 1; 1993, ch. 569.)

Cross references. — See Editor's note to § 9-1701 of this article.

Effect of amendments. — The 1993 amendment, effective July 1, 1993, reenacted the section without change.

Editor's note. — Section 2, ch. 569, Acts 1993, provides that "no later than July 1, 1994 the State Highway Administration, by revising its material specifications for road construction procurement, shall provide in its road construction standards for the incorporation of crushed glass and recycled aggregate materials to be appropriately used in asphalt layers and aggregate layers of road construction."

Section 3 of ch. 569 provides that "the Office

of Recycling shall, in cooperation with the Department of General Services, the University of Maryland System, the Department of Transportation, the Department of Natural Resources, other State and local procuring agencies, the Maryland Association of Counties, the Maryland Municipal League, and recyclers in the State, study and make recommendations to the Governor and, subject to § 2-1312 of the State Government Article, to the General Assembly no later than June 30, 1994 on opportunities to increase the use of products made from recycled plastics, including traffic signals and signs, and plastic lumber."

thority over county solid waste management plans. *Holmes v. Maryland Reclamation Assocs.*, 90 Md. App. 120, 600 A.2d 864, cert. dismissed sub nom. *County Council v. Maryland Reclamation Assocs.*, 328 Md. 229, 614 A.2d 78 (1992).

Quoted in *County Council v. Maryland Reclamation Assocs.*, 328 Md. 229, 614 A.2d 78 (1992).

Stated in *Howard County v. Davidsonville Civic & Potomac River Ass'ns.*, 72 Md. App. 19, 527 A.2d 772, cert. denied, 311 Md. 286, 533 A.2d 1308 (1987).

Cited in *East v. Gilchrist*, 296 Md. 368, 463 A.2d 285 (1983).

§ 9-504. Same — Incorporation of subsidiary plans.

(a) *Required incorporation.* — To the extent that the incorporation will promote the public health, safety, and welfare, each county plan shall incorporate all or part of the subsidiary plans of each town, municipal corporation, sanitary district, privately owned facility, or local, State, or federal agency that has existing or planned development in that county.

(b) *Permitted incorporation.* — If the governing body of each county that is affected adopts a subsidiary plan for a multicounty area, the county may incorporate in its county plan all or part of the subsidiary plan. (1983, ch. 542, § 2.)

University of Baltimore Law Review. — For article, "Maryland's Growing Pains: The Need for State Regulation," see 16 U. Balt. L. Rev. 201 (1987).

Stated in *County Council v. Maryland Reclamation Assocs.*, 328 Md. 229, 614 A.2d 78 (1992).

Cited in *State Dep't of Env't v. Showell*, 316 Md. 259, 558 A.2d 391 (1989); *Holmes v. Maryland Reclamation Assocs.*, 90 Md. App. 120, 600 A.2d 864, cert. dismissed sub nom. *County Council v. Maryland Reclamation Assocs.*, 328 Md. 229, 614 A.2d 78 (1992).

§ 9-505. Same — Contents; recycling reductions; effect of increase in population; regional plans.

(a) *Required contents.* — In addition to the other requirements of this subtitle, each county plan shall:

(1) Provide for the orderly expansion and extension of the following systems in a manner consistent with all county and local comprehensive plans prepared under § 3.05 of Article 66B, § 5 (X) of Article 25A, § 13 of Article 25B, and § 7-108 of Article 28 of the Code:

(i) Community water supply systems and multiuse water supply systems;

(ii) Community sewerage systems and multiuse sewerage systems; and

(iii) Solid waste disposal systems and solid waste acceptance facilities;

(2) Provide for the sizing and staging of facilities construction that is consistent with the county plan;

(3) Show compliance with paragraphs (1) and (2) of this subsection by using graphic and tabular information;

(4) Provide:

(i) For sewage treatment facilities that are adequate to prevent the discharge of any inadequately treated sewage or other liquid waste into any waters; or

(ii) Otherwise for safe and sanitary treatment of sewage and other liquid waste;

(5) Provide for facilities that are adequate to treat, recover, or dispose of solid waste in a manner that is consistent with the laws of this State that relate to air pollution, water pollution, and land use;

(6) Contain adequate information about:

(i) The existing sewage treatment capacity in each drainage basin or sewage treatment plant service area in the county;

(ii) The present level of use of sewage treatment plants in each drainage basin; and

(iii) Projections for use of sewage treatment plant capacity based on:

1. Outstanding building permits and subdivision plats if the county has subdivision authority; or

2. Zoning commitments if the county does not have subdivision authority;

(7) Taking into account all relevant planning, zoning, population, engineering, and economic information and all State, regional, municipal, and local plans, describe, with all practical precision, those parts of the county that reasonably may be expected to be served in the next 10 years by any:

(i) Community water supply system;

(ii) Multiuse water supply system;

(iii) Community sewerage system;

(iv) Multiuse sewerage system;

(v) Solid waste disposal system; and

(vi) Solid waste acceptance facility;

(8) Set procedures for identifying and acquiring, on a time schedule that conforms to the time requirement in paragraph (7) of this subsection, any rights-of-way or easements that are necessary for any:

(i) Community water supply system;

(ii) Multiuse water supply system;

(iii) Community sewerage system;

(iv) Solid waste disposal system; or

(v) Solid waste acceptance facility;

(9) Taking into account all relevant planning, zoning, population, engineering, and economic information and all State, regional, municipal, and local plans, describe, with all practical precision, any parts of the county in which it is not reasonably foreseeable to have service in the next 10 years by any:

(i) Community water supply system;

(ii) Multiuse water supply system;

(iii) Community sewerage system;

(iv) Multiuse sewerage system;

(v) Solid waste disposal system; and

(vi) Solid waste acceptance facility;

(10) Set a time schedule and a proposed method for financing the construction and operation of each planned:

(i) Community water supply system;

(ii) Multiuse water supply system;

(iii) Community sewerage system;

- (iv) Solid waste disposal system; and
 - (v) Solid waste acceptance facility;
- (11) Set forth the estimated cost of constructing and operating each planned:
- (i) Community water supply system;
 - (ii) Multiuse water supply system;
 - (iii) Community sewerage system;
 - (iv) Solid waste disposal system; and
 - (v) Solid waste acceptance facility;
- (12) Indicate:
- (i) Any source of supply from the waters of this State;
 - (ii) The approximate amount of water to be withdrawn from the waters of this State; and
 - (iii) The quantity and quality of waste to be discharged into the waters of this State;
- (13) Describe, in accordance with the provisions of this subtitle, each area in the county where:
- (i) A community water supply system must be provided;
 - (ii) A multiuse water supply system may be installed and used;
 - (iii) An individual water supply system may be installed and used for an interim period until a planned community water supply system is available;
 - (iv) An individual water supply system may be installed and used indefinitely;
 - (v) A community sewerage system must be provided;
 - (vi) A multiuse sewerage system may be installed and used;
 - (vii) Except as provided in § 9-517 of this subtitle, an individual sewerage system may be installed and used for an interim period until a planned community sewerage system is available;
 - (viii) An individual sewerage system may be installed and used indefinitely;
 - (ix) A community solid waste disposal system must be provided; or
 - (x) A community solid waste acceptance facility must be provided for use by residents of the described area during an interim period until a planned community solid waste disposal system is available;
- (14) Except as provided in § 9-515 of this subtitle, provide for amendment or revision of the county plan at least once every 2 years in accordance with a schedule adopted by the Department;
- (15) Designate an appropriate agency of the county to be responsible for creating a workable plan:
- (i) To keep the environment of the county free of solid waste, including litter; and
 - (ii) To prevent scenic pollution of both public and private property in the county;
- (16) By July 1, 1987, treat each publicly owned community sewerage system as a separate entity for fiscal purposes within the local operating agency;

(17) Document compliance with and report on actions taken and plans to enforce §§ 12-605 and 12-606 of the Business Occupations and Professions Article;

(18) For a county with a population greater than 150,000 according to the latest Office of Planning projections, include a recycling plan by July 1, 1990 that:

(i) Provides for a reduction through recycling of at least 20 percent of the county's solid waste stream by weight or submits adequate justification, including economic and other specific factors, as to why the 20 percent reduction cannot be met;

(ii) Provides for recycling of the solid waste stream to the extent practical and economically feasible, but in no event may less than a 10 percent reduction be submitted; and

(iii) Requires full implementation of the recycling plan by January 1, 1994; and

(19) For a county with a population less than 150,000 according to the latest Office of Planning projections, include a recycling plan by July 1, 1990 that:

(i) Provides for a reduction through recycling of at least 15 percent of the county's solid waste stream or submit adequate justification, including economic and other specific factors, as to why the 15 percent reduction cannot be met;

(ii) Provides for recycling of the solid waste stream to the extent practical and economically feasible, but in no event may less than a 5 percent reduction be submitted; and

(iii) Require full implementation of the recycling plan by January 1, 1994.

(b) *Use of prisoners.* — A plan created under subsection (a) (15) of this section may include the use of prisoners from the State correctional system or from county jails or detention centers.

(c) *Recycling reductions not maximum percentages.* — The recycling reductions of 20 percent and 15 percent provided in subsection (a) (18) and (19) of this section are not intended to be the maximum percentage that a county can achieve. A county that can practically and economically achieve a higher rate of recycling is encouraged to submit a recycling plan for a higher percentage.

(d) *Effect of increase in population.* — If a county with a population less than 150,000 increases to a population of above 150,000, the county shall have 2 years to revise the recycling plan to be consistent with the recycling goals under subsection (a) (18) of this section.

(e) *Regional recycling plans.* — (1) The governing bodies of 2 or more counties may adopt a regional recycling plan to comply with subsection (a) (18) or (19) of this section.

(2) A regional recycling plan which otherwise satisfies the requirements of this subtitle for each of the participating counties shall constitute the county recycling plan for each county which participates in the plan. (1983, ch. 542, § 2; 1984, chs. 255, 798; 1985, ch. 10, § 3; 1988, ch. 536; ch. 647, § 1; 1989, ch. 89; ch. 236, § 4; ch. 540, § 1; ch. 820; 1990, ch. 6, § 13.)