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# AGENDA ITEM SUMMARY

Reference No: CB-77-1990

Draft No.: 2

Prince George's

Meeting Date: 7/10/90

County Council

Requestor: WI

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**Item Title:** An Ordinance for the purpose of defining a  
Waste Material Separation and Processing  
Facility and permitting this use in the I-2  
Zone under certain conditions

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**Sponsors** WI

<b>Date Presented</b>	6/5/90	<b>Executive Action</b>	___/___/___	___
<b>Committee Referral</b>	(1) 6/5/90	C.O.W.	<b>Effective Date</b>	8/10/90
<b>Committee Action</b>	(1) 6/25/90	FAV(A)		
<b>Date Introduced</b>	6/5/90			
<b>Pub. Hearing Date</b>	(1) 7/10/90	11:00 AM		

**Council Action** (1) 7/10/90 Enacted  
**Council Votes** B\_: A\_, CA: \_\_, C\_: A\_, CI: \_\_, MC: A\_, M\_: A\_,  
P\_: A\_, W\_: A\_, WI: A\_,  
**Pass/Fail** P

**Remarks** \_\_\_\_\_

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	<b>Resource</b>
<b>Drafter:</b>	<b>Personnel:</b> Judy Johnson

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## LEGISLATIVE HISTORY

COMMITTEE-OF-THE-WHOLE REPORT

DATE: 6/25/90

Committee Vote Favorable as amended, 3-1-2 (In favor: Council Members Bell, MacKinnon and Pemberton; in opposition: Council Member Mills; abstaining: Council Members Castaldi and Wilson).

The Committee discussed a number of issues regarding this legislation. The requirement for a minimum twenty-five acre site for a waste material separation and processing facility, as specified on page 2, lines 11 and 12, was questioned. It was explained that although all activities associated with the operation would occur within an enclosed facility, twenty-five acres would serve as an adequate buffer for adjacent uses.

Ron Pickett, representing First Resource Systems Technology, discussed the operation of the type of facility being proposed, and the benefits

it could provide to Prince George's County. It was explained that a facility of this type would not adversely affect a neighborhood, since the process involved occurs entirely within an enclosed building, and only generates an estimated twenty trucks per day. Also, the operation is regulated by the State through a Solid Waste Management Permit and an Air Quality Permit, and through the County's Ten Year Solid Waste Plan.

He added that this Facility would aid the County's recycling efforts, since the separated recyclable materials would be distributed for reuse. There would be no additional cost to the citizens of the County.

Barbara Yuhas, representing the Department of Environmental Resources, noted that the Council will be able to review each one of these facilities, since they will be included in the County's Ten Year Solid Waste Plan. She also suggested four amendments to the legislation. (1) the wholly enclosed structure must include state of the art noise, odor, and leachate emission controls approved by DER; (2) processing of solid waste must begin within twenty-four hours of reaching the site; (3) solid waste shall not be stored outside the enclosed facility; and (4) DER shall have the right to inspect the facility at any time for compliance. Amendments 2, 3 and 4 were accepted by the Committee. It was noted that amendment 1 is not practical or necessary, since the State regulates these controls. If approval by DER is also required, there may be conflicts.

The Prince George's Municipal Association, in a position statement transmitted to the Committee, expressed a number of concerns regarding CB-77-1990. First, they recommended that the definitions and restrictions regarding recyclables and solid waste within the Code and in pending legislation (CB-57-1990) be incorporated by reference into CB-77-1990. There was also concern about the applicability of County regulations to this type of facility, and the conflict between CB-77 and CB-57. Barbara Yuhas assured the Committee that the two bills are not in conflict, and the enactment of CB-57 would actually strengthen the regulation of a waste material separation and processing facility.

Council Member Castaldi requested that the legislation be amended to clarify that the recyclable materials that are separated will actually be recycled. The definition of a waste material separation and processing facility was amended to read as follows: "The recyclable materials and processed solid waste are then sold or distributed to others for reuse as a recycled product in manufacturing agriculture, and other operations."

Council Member Wilson requested that the legislation be amended in order to allow these facilities to process waste exclusively from Prince George's County. The Council's legal staff informed the Committee that this is not allowed under Federal law.

The Legislative Officer noted that there is some ambiguity in the definition contained in Section 27-107.1(a) (256.1), and recommended that definitions of solid waste products from Subtitle 21 - Refuse, be incorporated into the definition. The Committee accepted this recommendation.

The Fire Department transmitted comments regarding this legislation, noting they had no problems with the bill as presented, and there are existing Fire Code regulations to cover these facilities.

The Office of Law noted several technical amendments.

**BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

This bill defines a Waste Material Separation and Processing Facility and permits it in the I-2 Zone subject to certain requirements.