

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2013 Legislative Session

Bill No. _____ CB-81-2013 _____

Chapter No. _____

Proposed and Presented by _____ Council Member Lehman _____

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Construction and Demolition Waste Diversion

3 For the purpose of adding requirements for construction and demolition waste diversion as part
 4 of solid waste recycling, establishing procedures and regulations and generally relating to
 5 construction and demolition waste diversion in Prince George's County.

6 BY adding:

7 SUBTITLE 21. REFUSE.

8 Sections 21-156 – 21-168,

9 The Prince George's County Code

10 (2011 Edition, 2012 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Sections 21-156 – 21-168 of the Prince George's County Code be and the same
 13 are hereby added:

14 SUBTITLE 21. REFUSE.

15 DIVISION 4. SOLID WASTE RECYCLING.

16 **SUBDIVISION 4. CONSTRUCTION AND DEMOLITION WASTE DIVERSION.**

17 **Sec. 21-156. Authority and purpose.**

18 The purpose of this division is the reduction and diversion of waste from construction,
 19 demolition and renovation of buildings or other structures to reduce the solid waste going to
 20 landfills and to meet State law goals for waste diversion and recycling. The County Council
 21 finds that waste from construction, demolition and renovations of buildings or other structures

represents a significant portion of the volume of the County waste stream, that such waste is suitable for recycling and reuse and that the reduction of this waste stream requires the establishment of programs for reuse, recycling and salvaging of construction and demolition (C & D) waste.

Sec. 21-157. Definitions.

(a) For the purposes of this section, the following terms have the meanings:

(1) **Applicant** means a person, company, business or organization applying for a permit for construction, demolition or renovation of a building or other structures in Prince George's pursuant to Subtitle 4 of the Code.

(2) **Construction and demolition (C & D) waste or debris** means materials resulting from the construction, remodeling, repair and demolition of utilities, structures, buildings, and roads, including but not limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics; electrical wiring; and piping or metals incidental to any of those materials. Construction and demolition waste or debris does not include any hazardous or special waste as defined under Section 21-101 of this Subtitle.

(3) **Covered Project** means and includes any project which meets the requirement of Section 21-159 of this Code.

(4) **Deconstruction** means the selective dismantlement of building components, specifically for re-use, recycling, and waste management.

(5) **Demolition** means the tearing-down of buildings and other structures.

(6) **Department** means the Department of Permitting, Inspections and Enforcement.

(7) **Designated recyclable materials** means the same as the term in Section 21-143 of this Code.

(8) **Diversion** means the reduction or elimination of solid waste from landfill, incineration or rubblefill disposal.

(9) **Waste Diversion** means the combined efforts of waste prevention, reuse, and recycling practices to meet the goals of the Maryland Recycling Act (MRA).

(9) **Recycling** means the same as the term in Section 21-143 of this Code.

(10) **Reuse** means the on-site use of reprocessed construction and demolition debris if such on-site use is authorized pursuant to this Code and the off-site redistribution of a material which would otherwise be disposed of, for use in the same or similar form as it was produced.

(11) **Salvage** means the controlled removal of materials from a covered project, for the purpose of reuse or storage for later reuse.

Sec. 21-158. Diversion requirements.

(a) It is the goal of the Countywide construction and demolition diversion program established in this subdivision that at least fifty (50%) of waste tonnage from construction, demolition and renovation for all covered projects shall be diverted from landfill disposal.

Sec. 21-159. Covered projects.

(a) **Covered Projects - Construction:** All construction projects within Prince George's County that are 4,000 square feet or greater shall comply with Section 21-158, shall submit a waste management plan prior to beginning any construction activities, and shall be subject to the provisions of this subdivision.

(b) **Covered Projects - Renovation:** All renovation projects within Prince George's County that shall cost fifty thousand (\$50,000) or greater shall comply with Section 21-158, shall submit a waste management plan prior to beginning any renovation activities, and shall be subject to the provisions of this subdivision.

(c) **Covered Projects - Demolition:** All demolition projects within Prince George's County that are 2,000 square feet or greater shall comply with Section 21-158, shall submit a Waste Management Plan prior to beginning any demolition activities, and shall be subject to the provisions of this subdivision.

(d) **Prince George's County Sponsored Projects - Construction:** All Prince George's County sponsored construction projects that are 4,000 square feet or greater, shall be considered covered projects for the purposes of this subdivision, shall submit a waste management plan prior to beginning any construction activities, and shall be subjected to the provisions of this subdivision.

(e) **Prince George's County Sponsored Projects - Renovation:** All Prince George's County sponsored renovation projects within Prince George's County that shall cost fifty thousand (\$50,000) or greater shall comply with Section 21-158, shall submit a waste

1 management plan prior to beginning any renovation activities, and shall be subject to the
 2 provisions of this subdivision.

3 (f) Prince George's County Sponsored Projects - Demolition: All Prince George's
 4 County sponsored demolition projects that are 2,000 square feet or greater, shall be considered
 5 covered projects for the purposes of this subdivision, shall submit a Waste Management Plan
 6 prior to beginning any demolition activities, and shall be subjected to the provisions of this
 7 subdivision.

8 (g) Deconstruction/Recovery Interval for Covered Demolition Projects - Every
 9 covered demolition project shall be made available for deconstruction, salvage and recovery
 10 prior to demolition. It shall be the responsibility of the applicant to recover the maximum
 11 feasible amount of designated recyclable and reusable materials prior to demolition. In order to
 12 provide sufficient time for deconstruction, salvage, and recovery, no demolition may take place
 13 until a period of ten (10) working days has elapsed from the date of issuance of the demolition
 14 permit. Recovered and salvaged designated recyclable and reusable material from every project
 15 shall qualify to be counted in meeting diversion requirements of Section 21-158. Recovered or
 16 salvaged designated recyclables and reusable materials may be given away or sold on the
 17 premises, or may be removed to reuse facilities for storage or sale.

18 (h) Compliance with this subdivision shall be listed as a condition of approval on any
 19 building or demolition permit issued for a covered project.

20 **Sec. 21-160. Waste management plan.**

21 (a) Every applicant shall submit a completed Waste Management Plan, on a form
 22 prescribed by the County, as part of the building or demolition permit application process for a
 23 covered project. The waste management plan shall indicate the intended salvage, reuse, and
 24 recycling facilities for all construction and/or demolition debris from the project and the method
 25 of disposal.

26 (b) The waste management plan shall include the following:

- 27 (1) The estimated volume or weight of project waste to be generated by material type;
 28 (2) The maximum volume or weight of such materials that can feasibly be diverted
 29 via reuse or recycling by material type;
 30 (3) The vendor(s) that the applicant proposes to use to haul the materials;

(4) The facility(s) the materials will be hauled to, and their expected diversion rates by material type;

(5) The estimated volume or weight of construction and demolition waste that will be disposed.

(c) Approval by the Department, or designee, of the waste management plan as complying with this subdivision shall be a condition to the issuance of any building or demolition permit for a covered project.

Sec. 21-161. Administrative fee.

(a) The Department is authorized to require an administrative fee upon submission of the waste management plan for the purpose of review and evaluation of the plan. The administrative fee shall be a minimum of one hundred dollars (\$100.00) but not more than five hundred dollars (\$500) based on the size of the project or tonnage of waste as established by regulations of the Department.

Sec. 21-162. Deposit required.

(b) As a condition of the issuance of any permit for construction, demolition or renovation for a covered project, the applicant shall post a diversion deposit, by cash, letter of credit, performance or surety bond, or money order, in the amount not less than one thousand dollars (\$1,000) and not more than thirty thousand dollars (\$30,000) based on the size of the project or tonnage of waste as established by regulations of the Department.

(a) The deposit shall be returned, without interest, upon proof of satisfaction by the Department that no less than the required percentage of construction and demolition waste tonnage generated by the covered project has been diverted from disposal and has been recycled or reused or stored for later reuse or recycling.

(b) If a lesser percentage of construction and demolition waste tonnage than required is diverted, a proportionate share of the deposit shall be returned. The deposit shall be forfeited entirely or to the pro-rated extent that there is a failure to comply with the requirements of this subdivision.

(c) The County Council may, by formal resolution, modify the amount of the required deposit.

Sec. 21-163. Exemptions.

(a) A diversion deposit and a waste management plan shall not be required for the

1 following:

- 2 (1) Work for which a building or demolition permit is not required;
- 3 (2) Roofing projects that do not include tear-off of existing roof;
- 4 (3) Work for which only a plumbing, electrical, or mechanical permit is required;
- 5 (4) Projects where no structural building modifications are required;
- 6 (5) Emergency demolition required to protect the public health and safety; or
- 7 (6) Disposal of hazardous or special waste pursuant to Section 21-119 of this

8 Division.

9 (b) An applicant that believes it is infeasible to comply with the diversion requirement for
 10 a covered project, the applicant may apply for an exemption to the Department at the time that
 11 they submit the waste management plan required under Section 21-160.

12 (c) The Department shall review the information supplied by the applicant for an
 13 exemption and shall determine whether it is feasible for the applicant to meet the diversion
 14 requirement.

15 (d) The Department may determine that if it is infeasible for the applicant to meet the
 16 diversion requirements, they shall determine the maximum feasible diversion rate for waste
 17 generated by the project, shall indicate the new diversion requirement the applicant shall be
 18 required to meet, and will inform the applicant in writing of the new requirement. The applicant
 19 shall then have 45 days to resubmit another waste management plan, which is in compliance with
 20 the new diversion requirement. If the applicant fails to resubmit, or if the resubmitted waste
 21 management plan does not comply, the Department shall withhold the permit until such time as
 22 the plan is in compliance with the new requirement.

23 **Sec. 21-164. On-site practices.**

24 (a) During the permit period of the covered project, the applicant shall recycle and reuse
 25 the required percentage of waste, and keep records of the tonnage or other measurements
 26 approved by the Department that can be converted to tonnage amounts.

27 (b) The Department shall evaluate and may monitor each covered project to determine the
 28 percentage of waste salvaged and recycled or reused from the covered project.

29 (c) For covered projects including both construction and demolition, diversion of materials
 30 shall be tracked and measured separately, and, to the maximum extent feasible, project waste
 31 shall be separated on-site if this practice increases diversion.

(d) For covered construction or demolition projects, on-site separation shall include salvageable materials, including but not limited to appliances, fixtures, plumbing, metals, dimensional lumber, wallboard, concrete and corrugated cardboard.

Sec. 21-165. Reporting; tracking, verification.

(a) Within forty –five (45) days following the completion of the demolition or the construction phase of the covered project the applicant shall, as a condition of final approval and for issuance of any certificate of occupancy, submit documentation to the County that demonstrates compliance with the requirements of this subdivision.

(b) The approved waste management plan shall be completed by recording and confirming the type of debris diverted and the facilities to which it was taken. The applicant shall sign the completed waste management plan form to certify its accuracy as part of the documentation of compliance.

(c) Progress reports during construction may be required.

(d) All documentation submitted pursuant to this section is subject to verification by the County, including, but not limited to, actual waste tonnage data, supported by original or certified photocopies of receipts, weight tags or other records of measurement from contractors, landfill or disposal companies. The applicant shall make reasonable efforts to ensure that all designed recyclables, reused, salvaged or disposed waste are measured and recorded using the method of measurement approved by the Department.

(e) It is unlawful for any person to submit documentation to the County under this section which that person knows to contain any false statements, including but not limited to false statements regarding tonnage of materials recycled or diverted, or to submit any false or fraudulent receipt or weight tag or other record of measurement.

Sec. 21-166. Fines, penalties.

(a) Any person who violates this Subdivision is deemed to have committed a civil violation and shall pay to the County a civil monetary fine as prescribed in this Section.

(b) Each separate day of violation that remains uncorrected is a distinct civil violation subject to an additional citation and fine.

(c) The civil monetary fine for each civil violation of these provisions shall be One Hundred Dollars (\$100.00), except as provided in Subsection (d) of this Section.

(d) For a repeated civil violation, the following fines shall apply:

<u>2nd violation</u>	<u>\$500.00</u>
<u>3rd violation</u>	<u>\$750.00</u>
<u>Each violation in excess of three (3)</u>	<u>\$1,000.00</u>

Sec. 21-167. Department regulations.

(a) The Department shall promulgate such regulations necessary to implement the requirements of the subdivision by January 1, 2015 and may amend them as needed pursuant to the County Code.

(b) The Department may consult with the Department of Environmental Resources and may use third party verification to review and evaluate waste management plans and compliance with this subdivision.

(c) The Department shall establish a list of qualified private and non-profit contractors and vendors that can be utilized to implement the provisions of this Subdivision.

Sec. 21-168. Annual Report to the Council.

The County Executive or Department shall report to the County Council on activities under this subdivision for the prior fiscal year pursuant to Section 21-149.02 of this division.

SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 4. BE IT FURTHER ENACTED that that this Act shall take effect on January 1, 2014, except for Section 21-166, which shall take effect on January 1, 2015.

Adopted this ____ day of _____, 2013.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.