

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING CONCURRENTLY AS THE BOARD OF HEALTH**

Legislative Session _____ 1991 _____

Resolution No. _____ CR-116-1991 _____

Proposed by _____ The Chairman (by request - Board of Health) _____

Introduced by _____ Council Members Casula, Castaldi,

Pemberton, and Bell _____

Co-Sponsors _____

Date of Introduction _____ October 29, 1991 _____

RESOLUTION

A RESOLUTION concerning

Licensing, Inspection, and Flow Control Regulations for Collectors,
Collection Vehicles and Recycling Facilities.

FOR the purpose of approving regulations pursuant to Subtitle 21 of the Prince George's County Code to establish rules and procedures for registering and obtaining licenses for recycling facilities and solid waste and recyclables collection vehicles, and for the operation and inspection of said collection vehicles and facilities within the County.

WHEREAS, Section 21-103 of the Prince George's County Code requires any person, prior to initiating any recycling facility or solid waste acceptance facility or other system for the collection, processing or disposal of refuse or recyclable materials, to obtain a written license from the Department of Environmental Resources; and

WHEREAS, Section 21-103.1 provides that the Director of the Department of Environmental Resources may order that all persons dispose of solid waste solely at any of the approved solid waste acceptance facilities; and

WHEREAS, Section 21-105 requires that no solid waste or recyclable material shall be collected or transported within the County except by a collector or hauler licensed by the Department of Environmental Resources and that there shall be an inspection of the solid waste collection equipment by the Health Officer; and

WHEREAS, Regulations to implement licensing, registration, inspection, and flow control have been promulgated; now, therefore

SECTION 1. BE IT RESOLVED by the County Council of Prince George's County, Maryland, sitting concurrently as the Board of Health, that the Licensing, Inspection and Flow Control Regulations for Collectors, Collection Vehicles and Recycling Facilities a copy of which has been filed with the Clerk of the Council, be and the same are hereby approved.

Adopted this 26th day of November, 1991.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting Clerk of the Council

PRINCE GEORGE'S COUNTY MARYLAND DEPARTMENT OF ENVIRONMENTAL
RESOURCES
9400 PEPPERCORN PLACE
LANDOVER, MARYLAND 20785

LICENSING, INSPECTION AND FLOW CONTROL REGULATIONS FOR COLLECTORS,
COLLECTION VEHICLES AND RECYCLING FACILITIES

I. PURPOSE

This Regulation is promulgated pursuant to Subtitle 21 of the Prince George's County Code to establish rules and procedures for obtaining licenses and registrations for recycling facilities and solid waste and recyclables collection vehicles, and for the operation and inspections of said collection vehicles and facilities within the County.

II. APPLICABILITY

The provisions of this Regulation apply to persons who own or operate recycling facilities accepting recyclable materials generated in the County and/or collect and haul solid waste and recyclable materials generated in the County to approved sanitary landfills, recycling centers, incinerators, or other solid waste acceptance facilities within the County or to destinations outside the limits of Prince George's County.

This Regulation does not apply to any civic, charitable, fraternal or non-profit organization engaged in activities described in this paragraph for the purpose of furthering civic, charitable, fraternal or benevolent objectives.

Incorporated municipalities in Prince George's County are exempted from the licensing requirements of this Regulation to the extent provided by 21-121 (a). In accordance with Section 21-121(b), the Director shall also grant exemptions to any order issued by the Director regarding the collection and disposal of recyclable materials, for up to 15,000 tons per year of recyclable materials, excluding yard wastes, that are collected, processed or disposed of by or on behalf of incorporated municipalities.

These regulations do not govern the transport or disposition of material which are not solid waste, such as, hospital waste, rubble, scrap materials returned to the economic mainstream, land clearing debris, or sewage sludge.

Nothing herein shall be construed to prevent the owner of a commercial or industrial enterprise or apartment complex

delivering their recyclable materials to the recycling facility of their choice, provided, the facility complies with any applicable regulations hereunder.

Existing scrap materials processing operations, located within Prince George's County, which process Recyclable Materials shall be exempt from these regulations to the extent of their existing operations, provided, they shall comply with the reporting requirements of Subtitle 21 of the County Code in which case their existing operations shall be considered as approved recycling facilities for the purpose of receiving recyclable materials.

III. GENERAL PROVISIONS

A. All Solid Waste collected or generated in the County must be disposed of at the Brown Station Road Landfill or the Sandy Hill Landfill which are County Solid Waste Acceptance Facilities. "Solid Waste" means all waste materials from all public and private establishments and residences including yard wastes, trash, rubbish, offal, and industrial and commercial refuse but excluding Recyclable Materials, scrap metal, rubble and sewage sludge.

B. Subject to individual rubblefill permit conditions, roots, brush, tree limbs, stumps and building demolition debris may be disposed of in any duly permitted rubblefills either in or outside the County.

C. Materials which are to be recycled must be delivered to an Approved Recycling Facility. An "Approved Recycling Facility" means a facility designated by the County under Section V.(C) of this Regulation. Facilities to which Recyclable Materials are delivered must be disclosed annually. "Recyclable Materials" means those materials which would otherwise become solid waste, and which can be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products and excludes materials which are not solid waste, such as, hospital waste, rubble, scrap materials returned to the economic mainstream, land clearing debris, or sewage sludge. Pursuant to the provisions of Subtitle 21 Sections 21-142 (c) and 21-150 (a) of the Prince George's County Code, only the County or municipalities within the County (subject to limits imposed by Subtitle 21, Section 121) may establish collection areas and collect or process Recyclable Materials generated by single family, townhouse and condominium residents.

D. Recyclable Materials generated by the multi-family, commercial and industrial sectors in the County shall be collected and delivered to any Approved

Recycling Facility. These materials may be collected by any hauler licensed hereunder. The delivery of these Recyclable Materials to an Approved Recycling Facility and the collection of these recyclables by a licensed hauler is subject to the provisions set forth below in Section III (E).

E. In accordance with Prince George's County Code, Section 21- 137.6, the County shall vigorously enforce this Regulation in such manner as shall cause Solid Wastes and Recyclable Materials to be directed to County Solid Waste Facilities in amounts sufficient to meet its obligations under which any revenue bonds shall have been issued. This obligation shall be taken into consideration in the process of approving and designating recycling and solid waste acceptance facilities.

IV. COLLECTION AND TRANSPORTATION REGULATIONS

A. General

1. No Recyclable Material or Solid Waste generated in Prince George's County shall be transported by any person over any public highway or street within Prince George's County, unless it is contained in a vehicle for which there is a valid registration issued by the Department of Environmental Resources. Excluded from this registration requirement are vehicles operated by individuals who transport their own household Solid Wastes or Recyclable Materials to an Approved Recycling Facility or County Solid Waste Facility, provided the vehicle is equipped with a watertight leak-proof body or the Solid Wastes or Recyclable Materials are transported in a manner which prevents leakage or any loss of waste materials.
2. All owners of vehicles which require registration must have a registration card issued by the Department of Environmental Resources. The registration card shall state the name of the vehicle owner, the description and serial number of the vehicle, Maryland vehicle license or State apportioned tag number and the County refuse collection vehicle registration number.
3. Collectors and haulers of Solid Wastes or Recyclable Materials will conduct their operations in accordance with the applicable provisions of Subtitle 21.

B. Minimum Vehicle Standards

1. All collection vehicles must be maintained in a sanitary condition subject to approval by the Health Officer.

2. Vehicles which collect and transport putrescible Solid Wastes within the boundaries of Prince George's County must be equipped with covered water-tight leak-proof bodies.
3. Paper waste products, yard wastes (grass and leaves), food and beverage Recyclable Materials containers, rubble and demolition debris (excluding asbestos) and scrap metal may be transported in open-top vehicles provided the vehicle bodies are easily cleanable and are covered between point of collection and place of disposal by heavy canvas or metal to preclude any of the contents from escaping onto the streets and adjacent areas, and to prevent a public nuisance.
4. Special medical and asbestos wastes haulers must comply with criteria as designated by the Health Officer.

C. Procedure for Obtaining Collection Licenses and Registration Cards

1. All applications for a collector's license and for individual vehicle registration cards to be used for the collection and hauling of Solid Wastes or Recyclable Materials shall be submitted on forms available at the License Office, Department of Environmental Resources.
2. Collector's licenses and vehicle registrations may not be sold or assigned. All licenses and registrations become the property of the corporation, partnership or individual issued the license registration.
3. Separate applications for the collector's license (Attachment A) and for each vehicle registration (Attachment B) shall be filed. The application for each vehicle shall include a designation of the material collected.
4. As a part of the annual application and renewal of a collector's license, a report (on Attachment A) must be filed which identifies and states the quantity and types of Recyclable Materials collected within the County and the facilities to which they were delivered. Applications for a collector's license must be made annually by September 30th.
5. Collectors and vehicle registrants shall be responsible for assuring that Solid Wastes and Recyclable Materials generated and collected within Prince George's County are delivered only to Approved Recycling or Solid Waste

Acceptance Facilities. Each facility used for the disposition of Recyclable Materials or Solid Wastes must be identified on the registration and collection license applications. The disposition of Recyclable Materials or Solid Wastes to a facility not having a County approved designation is illegal and in violation of Subtitle 21 of the Prince George's County Code and this Regulation. The County may designate Recycling Facilities located outside the County as Approved Facilities.

6. Description and cost of collector's licenses and vehicle registration are as follows:
- a. **Collector's License fee: \$50.00**
 A Collector's License is a general license required to be obtained by any owner of commercial vehicle(s) used to collect and transport any type of Solid Waste or Recyclable Materials. Recyclables Reports shall be submitted on this License application and any renewal thereof.
 - b. **Class I Collection Vehicle Registration fee: \$50.00**
 A Class I Collection Vehicle Registration is required to be obtained by any owner of a commercial vehicle used to collect paper waste products which are not contaminated by food, [or] yard waste/landscape debris (grass, leaves, brush). Vehicles only used to collect and transport these types of materials, only as certified on the registration card, do not require a Health Department inspection unless otherwise deemed necessary by the Health Officer.
 - c. **Class II Collection Vehicle Registration fee: \$200.00**
 A Class II Collection Vehicle Registration is required to be obtained by any owner of a commercial vehicle used to collect i) Solid Waste including trash, garbage, rubbish, offal, industrial and commercial refuse, food product wastes OR ii) Recyclable Materials including food and beverage containers and recyclables which may be collected by Class I Registered vehicles. Vehicles collecting and transporting these types of materials require a Health Department inspection. When a vehicle is found safe and satisfactory, the County Health Officer will authorize the Department of Environmental Resources to issue the individual vehicle registration card.

d. Class III Collection Vehicle Registration fee: \$250.00

A Class III Collection Vehicle Registration is required by any owner of a commercial vehicle that is used to collect both Recyclables Materials AND Solid Wastes. These vehicles also require a Health Department inspection if they collect those Materials identified in Class II.

e. Class IV Collection Vehicle Registration fee: no charge

A Class IV Collection Vehicle Registration is only applicable to government owned vehicles. These vehicles also require a Health Department inspection if they are used to collect those wastes identified in Class II.

7. All applications, including collector's licenses and vehicle registrations must be renewed annually. A fee of \$50, \$200 and/or \$250 as appropriate must accompany renewal applications. If licenses or registrations will be effective for six (6) months or less, then the fee will be reduced 50%.
8. Upon issuance of the registration card, a sticker will be issued designating the use of the vehicle. Separate stickers will be required for Recyclable Materials and Solid Waste collection vehicles.
9. All licensed vehicles must be inspected by the Health Department during an annually prescribed period with designated make up inspection times. The owner of any vehicle which is not inspected during the period prescribed by the Health Department shall be subject to a special registration fee of \$500.00.

D. Collection Vehicle Inspections

1. Application forms for collection vehicle inspections must be filed with the Health Department on or before September 30 each year. During the period September 1st - September 30th all inspections shall be performed and the registration issued. The schedule of inspections will be set by the Health Officer.
2. In addition to vehicle inspections at the time of registration, the County Health Officer shall make such random inspections of vehicles employed in the collection of solid waste or recyclables as he/she considers necessary. Any collector found to be in violation of this Regulation shall be subject to enforcement actions as specified by Subtitle 21 of the Prince George's County Code.

3. The Department of Environmental Resources, Solid Waste Management Division and Office of Recycling shall make periodic field inspections of collectors operating procedures and practices to assure that the provisions of Subtitle 21 and this Regulation are followed by the collectors. Administrative or legal action shall be taken by the Department of Environmental Resources as required in response to violations.
4. County inspectors will be utilized to check solid waste collection/recycling vehicles coming into or going out of Prince George's County boundaries to determine collection or disposal locations. All haulers will cooperate with inspectors to permit visual inspection of the contents of vehicles.
5. Failure to allow the inspection of vehicles or their contents shall subject the vehicle's registration to suspension or revocation and or the revocation of the collection license.

V. RECYCLING and SOLID WASTE ACCEPTANCE FACILITIES

A. General

1. Each facility which receives, stores, processes, composts or transfers Recyclable Materials or Solid Wastes must submit an application for designation as an Approved Recycling Facility or Solid Waste Acceptance Facility with and on forms (Attachment C) from the Office of Recycling, Department of Environmental Resources. This designation requirement applies to all facilities in and outside of Prince George's County which accept Recyclable Materials or Solid Waste generated in the County.
2. Section V(A) (1) of this Regulation applies to existing recycling facilities in operation as of the date of adoption of this Regulation.
3. Upon receipt of approval from the Office of Recycling, a facility will be an Approved Recycling or Solid Waste Acceptance Facility. For new facilities requiring plan approval, the applicant will be given notice of the County's review and the status of the approval within 60 days from complete plan and operations description submittal and the Recycling Facility Designation. For existing facilities, the status of facility approval will be given within 45 days from submission of the Recycling Facility Designation Form.

B. Minimum Facility Standards for County-Located Recyclables Facilities (Pursuant to Prince George's County Code, Section 21-102)

1. Each licensed facility shall be maintained in a clean and sanitary condition subject to approval by the Health Officer.
2. For purposes of "all weather" operations, the facility must be accessible to private and County vehicles using the facility.
3. The facility shall be operated and maintained in compliance with all State and County regulations, including zoning regulations which govern fire safety, air, land, water, and/or noise pollution, and must not create a nuisance or health hazard.
4. Any plumbing shall be properly maintained and any floors shall be drained and free from standing water. Any waste water shall be plumbed to a sanitary sewer, an approved on-site sewage disposal system, or other permitted treatment facility.
5. Sanitary facilities shall be provided for employees at all times and shall be kept clean and in good repair.
6. Processing, accumulation and storage of recyclable materials and associated waste shall be controlled in a manner so as to minimize odors and nuisances and to prevent infestation by insects, rodents, or other pests.
7. Processing equipment shall be easily cleanable and, where appropriate, shall be equipped with drains which connect to a sanitary sewer system, an approved on-site sewage disposal system or other permitted treatment facility.
8. Recyclable material (excluding yard waste) tipping, loading and unloading areas shall be constructed of impervious material which is readily cleanable. Where deemed necessary by the Health Department, drains to catch liquid waste shall be installed and connected to a sanitary sewer system, an approved on-site sewage disposal system, or other permitted treatment facility.
9. All residues generated by [specially] designated facilities within the County must be disposed of at designated Solid Waste Acceptance Facilities.

10. For any Solid Waste Acceptance Facility, minimum facility standards must conform to the Prince George's County Ten Year Solid Waste Plan.

C. Approved Recycling Facility Designation and Permitting Procedure

1. Each recycling facility which currently exists in operation in or outside of Prince George's County, and which accepts Recyclable Materials generated within the County, must be approved by and on forms from the Prince George's County Office of Recycling. A valid Use and Occupancy Permit is a prerequisite to receive a designation if operating in Prince George's County.
2. Any recycling facility proposed to operate in Prince George's County or which is proposing an expansion, must also submit plans and an operations description to the Prince George's County Office of Recycling prior to the issuance of a County Use and Occupancy Permit and/or Building Permit.
3. To qualify as an Approved Recycling Facility, no greater than 25% by weight of the annual incoming Recyclable Materials can be deposited or disposed of as Solid Wastes. A waiver of this requirement may be granted by the Director on a case by case basis depending on the nature of the waste stream accepted, whether the facility represents experimental or non-traditional recycling technology, or for economic or environmental considerations.
4. The costs for recycling facility designation in the County are as follows:

a. Existing operating facilities	\$50.00
b. New facilities requiring plan review	\$100.00
5. All designations must be renewed annually. Such renewals will be based upon compliance with these regulations.

D. Plan Review Criteria

Each proposed recycling facility [proposing to operate] which will process recyclable materials or [expand] expansion is designed to process recyclable materials [their operations in Prince George's County] must submit the information listed below to the Prince George's County Office of Recycling before the County Permits Office shall issuing a building permit and use and occupancy permit. These criteria were developed to ensure

that issues of an environmental nature are addressed. These issues include, but are not limited to: noise and associated vibrations, fugitive dust, adequate sewage disposal, potable water supply, vermin control, odor control, ground and surface water pollution, ground contamination and residue disposal.

1. A site plan showing:
 - a. the specific location of the facility;
 - b. the land use and zoning within 1/4 mile of the proposed facility's property lines;
 - c. the property boundaries of the recycling facility;
 - d. all existing and proposed structures at the site;
 - e. all roads and paved areas on or leading to the site; and
 - f. all existing and proposed wells and sewage disposal systems.
2. Plans for recycling facility buildings to be constructed on-site showing:
 - a. the type of construction materials to be used;
 - b. the layout and dimensions of all unloading, storage, and processing areas; and
 - c. the location of the employee sanitary facilities; and
 - d. the location of residue storage areas and structures for the containment of run-off, odor and airborne particulate emissions.
3. Plans for buildings proposed to be used in the recycling operation already present on-site showing:
 - a. the type of construction materials used;
 - b. the layout and dimensions of all unloading, storage, and processing areas; and
 - c. the location of the employee sanitary facilities.
 - d. the location of residue storage areas and structures for the containment of run-off, odor and airborne particulate emissions.

4. A description of the major items of equipment to be used on-site including the name of the manufacturer, type, model number, capacity and number of units.
5. Evidence that the facility is connected to public sewer or to an approved on-site sewage disposal system. If the facility is connected to an approved on-site sewage disposal system a description and/or a site plan is needed to show the location of the system.
6. A statement of whether the facility is connected to public water or to a permitted drinking water well. If the facility is connected to an approved drinking water well, a description and/or a site plan is needed to show the location of the well. Shallow wells will not be approved as a source of drinking water.
7. A copy of an operational and maintenance manual which outlines the operation in detail to include:
 - a. A description of the type, source and anticipated quantities of recyclable materials to be accepted, and the process method and sequence to be used to separate, consolidate, and temporarily store the recyclable material.
 - b. A description of the kinds of material not accepted by the facility, and the methods to be used for screening all incoming material to identify and segregate any unacceptable materials as well as the methods for handling and temporarily storing the unacceptable materials prior to final disposal. Also a list of final and/or intermediate marketing sites is required.
 - c. A description of vehicle traffic control and unloading.
 - d. A description of the system (e.g., scales) to account for quantities of waste, incoming and outgoing recyclables and residue.
 - e. The schedule for periodic cleaning and maintenance of the equipment, the facility and the associated grounds.
 - f. A written emergency operational plan for processing recyclable materials when the on-line equipment is inoperative. This plan shall delineate the procedures to be followed in case of equipment breakdown providing for the use of standby equipment, extension of operating hours, or the

diversion of the recyclable materials to other facilities.

- g. A description of the methods to be used to treat and dispose of the liquid wastes resulting from the operation of the facility.
- h. A description of the measures to be taken to prevent or control ground or surface water pollution, spills, fire, vermin, explosion of materials, odor, dust, litter and noise.
- i. A description of employee safety programs and associated personal protection equipment.
- j. A description of the expected residue to be generated, time in residence on-site, estimated frequency of transport, disposal site, and operations procedures to be employed for the containment of odor, airborne particulate emissions, litter control, and water pollution prevention.

E. Recycling Facility Inspections

The County Health Department and/or the Department of Environmental Resources, Office of Recycling shall make such random inspections of Solid Waste Acceptance Facilities or Approved Recycling Facilities located within Prince George's County as deemed necessary. Any violation of provisions in this Regulation or any other governing regulation will be enforced as specified in the Subtitle 21 Section 110 of the Prince George's County Code, and any other applicable laws.

VI. CONFIDENTIAL INFORMATION

Data requested in conformance with this Regulation on Attachments A, B, and C will be held in complete confidence to the extent possible by law. Section 10-617(d) of the Maryland Public Information Act of 1990 prevents disclosure of trade secrets and confidential financial or commercial information obtained by a government agency from businesses.

VII. REGULATION NOT RETROACTIVE

Current Vehicle Collection Licenses currently in effect shall remain in force until expiration date, unless revoked by the Department of Environmental Resources.

VIII. AMENDMENTS

A public hearing shall be held on all substantive amendments to this Regulation proposed by the Department of Environmental Resources. A notice mailed at least thirty days prior to such hearing shall be sent to all persons, partnerships, and or corporations licensed under this Regulation at the address stated on the license. The Director of Environmental Resources may send notice to any additional person as he/she deems appropriate. All amendments proposed by the Director to the Council for approval shall include a summary of testimony presented at the public hearing.

IX. EFFECTIVE DATE

This Regulation is effective November [1] 26, 1991. An application for registration of all Class II and Class III recyclable collection vehicles must make vehicle registration application and pay a fee of \$50.00 not later than January 31, 1992, and vehicles must undergo inspection not later than January 31, 1992. Thereafter, the annual re-application inspection and re-registration period will be September as specified in IV D.1. of this Regulation. All new applicants for collector's licenses must make application by January 31, 1992. Thereafter, the annual re-application for licenses and registrations will be during the month of September. All solid wastes collectors licenses, Class I and Class II Registrations for Solid Waste Collection vehicles issued in September 1991 shall remain in effect until September 30, 1992.

X. WAIVERS PROVISION

The Director of the Department of Environmental Resources, in his or her discretion, may waive any provision of this Regulation or grant an exception thereto in the case of demonstrated undue hardship or their applicability to any facility owned by any State or other governmental entity if the Director determines that the waiver or exception is consistent with the purposes of this Regulation and is not injurious to the health, safety or welfare of the citizens of Prince George's County.

NOTE: Attachments A, B, and C are available in hard copy only.