

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-87-2012

Chapter No. 87

Proposed and Presented by Council Members Olson, Lehman and Campos

Introduced by Council Members Olson, Lehman and Campos

Co-Sponsors _____

Date of Introduction October 23, 2012

BILL

1 AN ACT concerning

2 County Recycling Program

3 For the purpose of amending the recycling program provisions in Prince George's County to
4 establish updated recycling goals, setting forth the time for compliance; amends the residential
5 recycling program for multifamily facilities establishes a commercial and industrial recycling
6 program and pilot food composting program, amends the Solid Waste Management Advisory
7 Commission; and generally relating to the recycling program.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 21. REFUSE

10 DIVISION 4. SOLID WASTE RECYCLING.

11 SUBDIVISION 1. COUNTY PROGRAM

12 Sections 21-125.01, 21-125.03, 21-125.04, 21-142,
13 21-143, 21-149, 21-152 and 21-154

14 The Prince George's County Code
15 (2007 Edition, 2010 Supplement)

16 BY adding:

17 SUBTITLE 21. REFUSE

18 DIVISION 4. SOLID WASTE RECYCLING.

19 SUBDIVISION 1. COUNTY PROGRAM

20 Sections 21-149.1 and 21-149.2

21 The Prince George's County Code

(2007 Edition, 2010 Supplement)

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 21-125.01, 21-125.03, 21-125.04, 21-142, 21-143, 21-149, 21-152 and 21-154 of the Prince George's County Code be and the same are hereby repealed and reenacted with amendments:

SUBTITLE 21. REFUSE.

DIVISION 1. REFUSE COLLECTION AND DISPOSAL.

**SUBDIVISION 2. SOLID WASTE, RESOURCE MANAGEMENT
AND RECYCLING ADVISORY COMMISSION**

Sec. 21-125.01. The Prince George's County Solid Waste, Resource Management and Recycling Advisory Commission; established.

The Prince George's County Solid Waste, Resource Management and Recycling Advisory Commission ("Commission") is established to provide community input, guidance and advice to the County Executive and County Council on matters relating to solid waste, resource management and recycling management within the County.

Sec. 21-125.02. Powers and duties of Commission.

(a) The Commission shall have the power and duty to:

(1) Review and offer recommendations on the ten-year solid waste management plan for the County;

(2) Investigate, prepare fiscal impact statements, and make recommendations on systematic programs and alternative methods, both public and private, for the storage, collection, transportation, processing, disposal and resource recovery of solid waste, including sludge;

(3) Evaluate the impact of the solid waste management program on citizens, institutions, businesses and industries throughout the County;

(4) Recommend methods to assure public involvement in solid waste planning and develop educational programs to inform the public on all aspects of solid waste management;

(5) Recommend local and state legislation necessary to accomplish effective solid waste management;

(6) Review and comment on the annual County budget for solid waste activities; and

(7) Submit to the County Executive and County Council, and make available to the general public, an annual report of the activities of the Commission.

Sec. 21-125.03. Commission composition; term; officers.

(a) The Commission shall be composed of fifteen (15) members appointed by the County Executive and subject to the confirmation by the County Council. At least five (5) of the appointments, one of whom shall be designated as the vice chairman, shall be selected from a list of persons submitted by the County Council. One (1) ex-officio member may be appointed by the County Executive and one (1) ex-officio member may be appointed by the County Council. Members shall be selected so as to represent broad geographic areas of the County, the solid waste industry, business users, environmental, public health and civic community and the general public, at least one member shall be appointed from the communities surrounding the Brown Station Road landfill.

(b) The term of office for each member shall be three (3) years; however, the terms of the initial appointments shall be staggered with five (5) members appointed to three (3) year terms, five (5) members appointed to two (2) year terms, and five (5) members appointed to one (1) year terms.

(c) The County Executive shall designate two (2) members to serve as chairman and vice chairman. The Commission members shall elect annually from their own membership such other officers as it deems necessary. Staff support shall be provided by the Department of Environmental Resources.

Sec. 21-125.04. Meetings.

The Commission shall meet in public session at least quarterly during the calendar year [on call of the chairman as frequently as required to perform its duties and exercise its responsibilities].

* * * * *

SUBTITLE 21. REFUSE.

DIVISION 4. SOLID WASTE RECYCLING.

SUBDIVISION 1. COUNTY PROGRAM

Sec. 21-142. Recycling program established; implementation; collection, marketing, and disposition.

(a) There is hereby established a program for the separation, collection, and disposition of designated recyclable materials under the direction of the Director of the Department of Environmental Resources.

1 (b) The recycling program provides the opportunity for the voluntary source separation of
 2 designated recyclable materials from County facilities, single-family residences; condominiums;
 3 single and multifamily rental facilities; commercial establishments including, but not limited to,
 4 offices, stores, and restaurants; and industrial facilities including, but not limited to, factories,
 5 processing plants, and manufacturing enterprises.

6 (c) The County shall have the authority to collect or to arrange for the collection of
 7 designated recyclable materials from all single-family households, single and multifamily rental
 8 facilities and condominiums in the unincorporated areas of the County through County-
 9 sponsored curbside collection programs or drop-off centers.

10 (d) The goals of the Countywide voluntary recycling program established in this Division
 11 are to achieve [reductions] a recycling rate in the County waste stream of at least [ten percent
 12 (10%)] forty-five percent (45%) by July 1, [1991] 2015; at least [fifteen percent (15%)] fifty-five
 13 percent (55%) by July 1, [1992] 2018; at least [twenty percent (20%)] sixty (60%) by July 1,
 14 [1993] 2020]; at least twenty-five percent (25%) by July 1, 1995; at least thirty percent (30%) by
 15 July 1, 1997; and at least thirty-five percent (35%) by July 1, 1999].

16 (e) If the [County Council determines by Legislative Act that any of] the goals of the
 17 Countywide voluntary recycling program as set forth in Subsection (d)[,] above, have not been
 18 met [reached or cannot be reached], the Director shall develop a Countywide mandatory
 19 recycling program, including mandatory source separation, or propose additional policy changes
 20 for consideration by the County Council and the Solid Waste, Resource Management and
 21 Recycling Advisory Commission. [The schedule for implementation of this program shall be
 22 established by the County Council.] The schedule for implementation for single and multifamily
 23 rental facilities and condominiums shall be consistent with the provisions of Section 21-149 of
 24 this Code and for commercial and industrial properties shall be consistent with the provisions of
 25 Section 21-149.1 of this Code.

26 (f) Notification of the mandatory program shall be published in the County newspapers of
 27 record no later than thirty (30) days prior to implementation of the program.

28 (g) All collectors or haulers licensed by the Department, pursuant to Section 21-105 of this
 29 Subtitle, and all solid waste or recycling contracts executed by the County, pursuant to Section
 30 21-137.04 of this Subtitle, shall provide for an opportunity for recycling under this Subdivision

1 or show evidence to the Director of an agreement or contract for providing recycling services
2 through another entity.

3 (h) The Director shall assist, as needed, with the Prince George’s County Public School
4 System recycling program and shall include information on the School System recycling
5 program within requires State and County reports.

6 (i) The Director shall implement a pilot food composting program in the County by July 1,
7 2014 and shall evaluate the food composting program for expansion on a County-wide basis by
8 December 31, 2015.

9 (j) The Director shall conduct a waste stream analysis of the waste stream to evaluate
10 compliance with the requirements of this subdivision every two (2) years.

11 (k) As of January 1, 2014, the County’s yard waste composting facility at Western Branch
12 shall not accept yard waste in plastic bags.

13 **Sec. 21-143. Definitions.**

14 (a) As used in this Division, the following words and phrases shall have the meanings
15 respectively ascribed herein[, except where the context clearly requires otherwise]:

16 * * * * *

17 (9) **County facility** means a property, building, office or facility, owned or leased by
18 Prince George’s County.

19 [(9)] (10) **Crumb rubber** means mechanically reduced pieces of pneumatic tires, the
20 pieces of which are generally smaller than four (4) inches square.

21 [(10)] (11) **Department** means the Department of Environmental Resources.

22 [(11)](12) **Designated recyclable materials** mean those recyclable materials,
23 including metal, glass, paper, mixed paper, plastics, food waste, leaf and yard wastes, corrugated
24 and other cardboard, newspaper, magazines, or high-grade office paper designated by the
25 Director to be source separated pursuant to Section 21-144(a).

26 [(12)](13) **Director** means the Director of the Department of Environmental
27 Resources.

28 [(13)](14) **Disposition or disposition of designated recyclable materials** mean the
29 transportation, placement, reuse, sale, donation, transfer, or temporary storage for a period not
30 exceeding six months of designated recyclable materials for all possible uses except for disposal
31 as solid waste.

1 [(14)](15) **Ferrous material** means any material, including food or beverage cans and
2 scrap steel, which is, or is primarily derived from, iron.

3 [(15)](16) **Food composting** means the controlled biological decomposition of food
4 waste and scraps for the purpose of producing compost materials.

5 [(16)](17) **Foundry slag** means the fused refuse or dross separated from a metal in the
6 process of smelting or casting.

7 [(17)](18) **Glass** means all products made from silica or sand, soda ash, and limestone,
8 the product being transparent or translucent and being used for packaging or bottling various
9 matters and other materials commonly known as glass, including blue and flat glass commonly
10 known as window glass, mirrors, milk glass, and crystal.

11 [(18)](19) **Glass container** means any container made from silica or sand, soda ash,
12 and limestone, which is transparent or translucent and being used for packaging or bottling
13 various matters intended for human ingestion.

14 [(19)](20) **Glassy aggregates** include the fused silicated residues commonly resulting
15 from steel and iron smelting operations.

16 [(20)](21) **High grade office paper** includes white or off-white, fine, bond, ledger,
17 offset, xerographic, and computer paper and related types of cellulosic material containing not
18 more than ten percent (10%) by weight or volume of noncellulosic material such as laminates,
19 coatings, or saturants.

20 [(21)](22) **Leaf waste** means tree, bush, and shrub foliage.

21 [(22)](23) **Market** or **marketing** means the disposition of designated recyclable
22 materials collected and source separated or separated in an intermediate processing facility for
23 sale as a secondary raw material for use in manufacturing new products, or for use in place of a
24 material which would otherwise consume virgin materials.

25 [(23)](24) **Materials recovery facility** means any facility designed and operated for
26 the purpose of receiving, storing, processing, and transferring source-separated or co-mingled
27 nonputrescible metal, glass, paper, plastic containers, and corrugated and other cardboard, or
28 other recyclable materials approved by the Director.

29 [(24)](25) **Mixed paper** includes a wide range of paper stock and consists of unsorted
30 mixed papers, including magazines, paperboard, and softbound books.

1 ~~[(25)](26)~~ **Multifamily rental facility** means a building operated as a single entity in
2 which the landlord provides, for a consideration, three (3) or more rental dwelling units.

3 ~~[(26)](27)~~ **Newspaper** means a periodical printed on a paper commonly referred to as
4 newsprint. Expressly excluded are all magazines, advertising slicks, and all other paper products
5 of any nature whatsoever.

6 ~~[(27)](28)~~ **Paper** means and includes all newspaper, high-grade office paper, fine
7 paper, bond paper, offset paper, xerographic paper, mimeograph paper, duplicator paper, and
8 related types of cellulosic material containing not more than ten percent (10%) by weight or
9 volume of noncellulosic material such as laminates, binders, coatings, or saturants.

10 ~~[(28)](29)~~ **Paper product** means any paper items or commodities, including, but not
11 limited to, paper napkins, towels, corrugated and other cardboard, construction material, toilet
12 tissue, paper, and related types of cellulosic products containing not more than ten percent (10%)
13 by weight or volume of noncellulosic material such as laminates, binders, coatings, or saturants.

14 ~~[(29)](30)~~ **Plastic** means any class of compounds composed of synthetic thermoplastic
15 polymeric material.

16 ~~[(30)](31)~~ **Processing facility** means materials recovery facility.

17 ~~[(31)](32)~~ **Recyclable material** means those materials which would otherwise become
18 solid waste, and which can be collected, separated, or processed and returned to the economic
19 mainstream in the form of raw materials or products.

20 ~~[(32)](33)~~ **Recycled asphalt pavement** means asphalt which, having been removed
21 from its foundation on a vehicle roadbed, path, or sidewalk, is processed into a form which
22 renders it reusable.

23 ~~[(33)](34)~~ **Recycled paper** means any paper having a total weight consisting of not less
24 than forty percent (40%) secondary wastepaper material.

25 ~~[(34)](35)~~ **Recycling** means any process by which materials which would otherwise
26 become solid waste are collected, separated, or processed and returned to the economic
27 mainstream in the form of raw materials or products.

28 ~~[(35)](36)~~ **Recycling coordinator** means a person designated to organize and facilitate
29 the operations of ongoing recycling programs.

30 ~~[(36)](37)~~ **Recycling rate** means a percentage of recyclables removed from the total
31 waste stream for the purpose of being recycled.

1 [(37)](38) **Refuse** means solid waste.

2 [(38)](39) **Scavenging** means removing recyclable materials from a designated
3 recycling container or area without approval from the owner or operator of the recycling
4 operation designated to recover and process the materials.

5 [(39)](40) **Single family rental facility** means any building, structure, or combination
6 of related buildings, structures, and appurtenances operated as a single entity, in which the
7 landlord provides, for a consideration, less than three (3) rental dwelling units.

8 [(40)](41) **Single-stream recycling** means the placement of recyclables in the same
9 collection container and sorted at a recycling or recovery processing facility.

10 [(41)](42) **Solid waste** means all waste material, combustible or noncombustible, from
11 all public and private establishments and residences that is not presorted prior to collection for
12 the purposes of recovery for reuse, recycling, composting or which is contaminated with more
13 than one percent (1%) food wastes or unsafe quantities of hazardous or toxic wastes as
14 designated by the United States Environmental Protection Agency or by Maryland State agencies
15 rendering it inappropriate or potentially harmful as a reusable or recyclable resource. Solid
16 waste includes trash, garbage, rubbish, offal, and industrial and commercial refuse, but not body
17 excrements.

18 (43) **Source separation** means the act of separating recyclable materials from solid
19 wastes by the generators of such waste for the purpose of collection, disposition, reuse,
20 composting, and recycling.

21 (44) **Tire** means pneumatic automobile, truck, or heavy machine, synthetic or natural,
22 rubber casting designed to be fixed around a metal wheel.

23 (45) **Waste stream analysis** means the process that involves the physical collection,
24 sorting, and weighing of a sample of the waste stream to identify and quantify materials that can
25 be removed from the waste stream by waste reduction, reuse, or recycling to determine
26 compliance with the County's recycling program.

27 (46) **Yard waste** means those organic, vegetative wastes typically consisting of
28 branches, leaves, brush, grass clippings, thatch, and similar material.

29 (47) **Yard waste composting facility** means any facility designed and operated for the
30 purpose of receiving and processing source-separated leaf and yard waste, including, but not
31 limited to, grass clippings, brush and limbs, and other garden materials.

1 * * * * *
2 **Sec. 21-149. Single and[M]multifamily rental facilities; condominiums; responsibilities of**
3 **licensees and owners.**

4 (a) By [July 1, 1992] July 1, 2014, licensees and owners of all single and multifamily
5 rental facilities and condominiums [must] shall provide an opportunity for tenants to voluntarily
6 recycle designated recyclable material in a same manner as solid waste disposal, including
7 convenient and assessable location with signage.

8 (b) The licensee and owner of each multifamily rental facility and condominium [of one
9 hundred (100) units, or more,] shall submit to the Director for approval a plan for the separation
10 and collection of designated recyclable materials by [July 1, 1991] July 1, 2013. The plan shall
11 demonstrate compatibility with the County's recycling programs. Each multifamily rental
12 facility plan shall include at a minimum:

- 13 (1) Designation of recyclable materials to be collected;
- 14 (2) A collection system for the designated recyclable materials; and
- 15 (3) Provisions for publicizing the recycling program.

16 (c) [Licensees and owners of all multifamily rental facilities may request grants from the
17 County in establishing their individual recycling programs. Grants may be made for this purpose
18 from the proceeds of the recycling surcharge established pursuant to Section 21-155 of this
19 Code, subject to availability, and may be used for, but need not be limited to, public education,
20 program development, maintenance, and/or collection of designated recyclable materials] .A
21 homeowners or condominium association, property management company for such association,
22 or their authorized agent may request reimbursement of the recycling surcharge paid by the
23 association where the County does not provide recycling services and if the recycling is hauled
24 to a collection facility in the County.

25 (d) Licensees and owners of all single-family and multifamily rental facilities and
26 condominiums may request technical assistance from the County for the preparation of recycling
27 plans and the implementation of recycling programs.

28 (e) [Semi]An annual report[s] which accounts for the amount of designated recyclable
29 materials collected must be submitted by the licensees and owners of all multifamily rental
30 facilities and condominiums to the Director on a schedule established by the Director and the

1 report shall include the method of collection, the amount collected and the disposal method of
2 the materials.

3 (f) The Director is authorized to extend the date of compliance for operation of a voluntary
4 recycling program if satisfactory progress has been made toward implementing their recycling
5 program.

6 * * * * *

7 **Sec. 21-152. Penalties.**

8 (a) Any person who violates Section 21-142(g), Section 21-147, [or] Section 21-149 or
9 Section 21-149.1 of this Code is deemed to have committed a civil violation and shall pay to the
10 County a civil monetary fine as prescribed in this Section.

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

13 (c) The civil monetary fine for each civil violation of Section 21-142(g), Section 21-147,
14 [or] Section 21-149 or Section 21-149.1 shall be One Hundred Dollars (\$100.00), except as
15 provided in Subsection (d) of this Section.

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

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

17 (e) In addition to, and not in lieu of, any other penalties prescribed in this Section, any
18 person who violates Section 21-142(g), Section 21-147, [or] Section 21-149 or Section 21-149.1
19 of this Code is guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine
20 not to exceed One Thousand Dollars (\$1,000.00), or imprisonment not to exceed six (6) months,
21 or both.

22 * * * * *

23 **Sec. 21-154. Reserved. [The Prince George's County Recycling Advisory Committee;**
24 **established.**

25 (a) The Prince George's County Recycling Advisory Committee is established to provide
26 community input, guidance, and advice to the County Executive, the County Council, and the
27 Director on the County's recycling programs for single-family residences, condominiums,
28 multifamily rental facilities, municipalities, commercial establishments, and industrial facilities.

1 (b) The Committee shall be composed of thirteen (13) members appointed by the County
2 Executive and confirmed by the County Council. The membership of the Committee shall be
3 broadly representative of all aspects of the County recycling program.

4 (c) The Committee shall make an annual report to the County Executive, the County
5 Council, and the Director on the status of the County's recycling program.]

6 * * * * *

7 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
8 Maryland, that Section 21-149.1 and 21-149.2 of the Prince George's County Code be and the
9 same is hereby added:

10 **SUBTITLE 21. REFUSE.**

11 **DIVISION 4. SOLID WASTE RECYCLING.**

12 **SUBDIVISION 1. COUNTY PROGRAM**

13 **Sec. 21-149.1. Commercial and industrial recycling program; responsibilities of owners.**

14 (a) By July 1, 2014 the owners of commercial and industrial properties must provide an
15 opportunity at their properties and for tenants, if any, to voluntarily recycle designated recyclable
16 materials.

17 (b) If after July 1, 2014 the owner of each commercial and industrial properties fails to
18 comply with subsection (a), they shall submit to the Director for approval a plan for the
19 separation and collection of designated recyclable materials by December 31, 2014. The plan
20 shall demonstrate compatibility with the County's recycling programs. Each plan shall include at
21 a minimum:

- 22 (1) Designation of recyclable materials to be collected;
- 23 (2) A collection system for the designated recyclable materials; and
- 24 (3) Provisions for publicizing the recycling program.

25 (c) [Owners of commercial and industrial properties may request grants from the County
26 in establishing their individual recycling programs. Grants may be made for this purpose from
27 the proceeds of the recycling surcharge established pursuant to Section 21-155 of this Code,
28 subject to availability, and may be used for, but need not be limited to, public education, program
29 development, maintenance, or collection of designated recyclable materials.

30 (d) Owners of commercial and industrial properties may request technical assistance from
31 the County for the implementation of recycling programs and the preparation of recycling plans.

1 if required. The Director shall provide assistance and best practice methods to commercial and
 2 industrial property owners to increase recycling and to minimize their contribution to the waste
 3 stream.

4 [(e)](d) An annual report which accounts for the amount of designated recyclable
 5 materials collected must be submitted by the owners of commercial and industrial properties to
 6 the Director on a schedule established by the Director and the report shall include the method of
 7 collection, the amount collected and the disposal method of the materials.

8 [(f)](e) The Director is authorized to extend the date of compliance for operation of a
 9 voluntary recycling program if satisfactory progress has been made toward implementing their
 10 recycling program.

11 **Sec. 21-149.2. Reporting.**

12 The Director shall submit an annual report by July 1st for the previous calendar year to the
 13 County Council and the Solid Waste Advisory, Resource Management and Recycling
 14 Commission on the implementation and operation of the County's recycling program, including
 15 the food composting program, coordination with County Public School system and the waste
 16 stream analysis conducted under this subdivision. The report is a public record and shall be
 17 made available to the public, including posting on the County's website.

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

25 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 26 calendar days after it becomes law.

Adopted this 20th day of November, 2012.

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.