

THE EFFECTIVE DATE OF THIS RESOLUTION IS June 16, 2015

RESOLUTION NO. 15-10

RE: ADOPTION OF THE SOLID WASTE MANAGEMENT PLAN UPDATE AND
AMENDMENTS

PREAMBLE

Each County in Maryland is required to have a County Solid Waste Management Plan pursuant to Title 9, §503(c) of the Environment Article, Annotated Code of Maryland.

By Resolution 98-17, the Board of County Commissioners of Frederick County, Maryland ("Board") adopted the Frederick County Solid Waste Management Plan ("SWMP") 1998-2017, June 30, 1998. The Maryland Department of the Environment ("MDE") approved the SWMP on November 10, 1998. The SWMP was updated and adopted by the County on March 11, 2003, and approved by MDE on May 9, 2003. An amendment to the SWMP was adopted by the County on October 25, 2005, and approved by MDE on January 23, 2006. On October 23, 2009, the County sent a letter to MDE providing a status report on the review of the SWMP. MDE responded on May 20, 2010, acknowledging the County's letter and stating that the letter complied with §9-506(b) of the Environment Article, Annotated Code of Maryland. On September 9, 2010, the Board adopted Resolution 10-26 updating and amending the SWMP to incorporate the Board's decision to proceed with its Waste-to-Energy project. On January 11, 2011, MDE conditionally approved the SWMP, provided that "*Chapter 2, County Background Information should be updated to be consistent with the adopted April 2010 Frederick County Comprehensive Plan populations information.*" On October 13, 2011, the Board adopted Resolution 11-27 further updating and amending the SWMP. On February 3, 2012, MDE conditionally approved the SWMP provided that ten changes MDE required were made. On August 22, 2013, the Board adopted Resolution 13-19 further updating and amending the SWMP.

In the 2014 legislative session, the Maryland General Assembly passed Senate Bill 781, (Chapter 338, Acts of 2014), which amended Sections 9-1703(b) and (g) of the Environment Article, Annotated Code of Maryland, and enacted a new Section 9-1712 to the Environment Article.

The effect of this legislation is to require all Maryland counties and Baltimore City to amend their SWMP to address in their recycling sections the collection and recycling of recyclable materials from 'special events'.

The law requires special event organizers to provide for recycling in accordance with the county's SWMP. Special events subject to the law are those that:

- a. Include temporary or periodic use of a public street, publicly owned site or facility, or public park;
- b. Serve food or drinks; and
- c. Are expected to have 200 or more persons in attendance.

Special events planned after a county's Plan has been updated and approved by the Maryland Department of the Environment (MDE) are subject to the recycling requirement.

MDE is requiring the Maryland counties and Baltimore City to complete amendment of its SWMP by October 1, 2015.

The County Council of Frederick County, Maryland, finds it desirable and in the best interest of the citizens of Frederick County to amend the Frederick County Solid Waste Management Plan to include the provisions required by Senate Bill 781 regarding the recycling of recyclable materials from 'special events'.

Frederick County has an appointed Solid Waste Advisory Committee ("SWAC") which makes recommendations on amendments to the County SWMP and on findings of consistency with this SWMP. The SWAC approved the SWMP updates and amendments on December 3, 2014.

The Frederick County Planning Commission held a public hearing on the proposed amendments to the SWMP on March 11, 2015. The Frederick County Planning Commission found the proposed amendment to the SWMP to be consistent with the Countywide Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF

FREDERICK COUNTY, MARYLAND, that the County Council hereby adopts the updates and amendments to the Frederick County Solid Waste Management Plan attached hereto as Exhibit A.

The undersigned certifies that this Resolution was approved and adopted on the 16th day of June, 2015.

ATTEST:

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND



Ragen L. Cherney
Council Chief of Staff

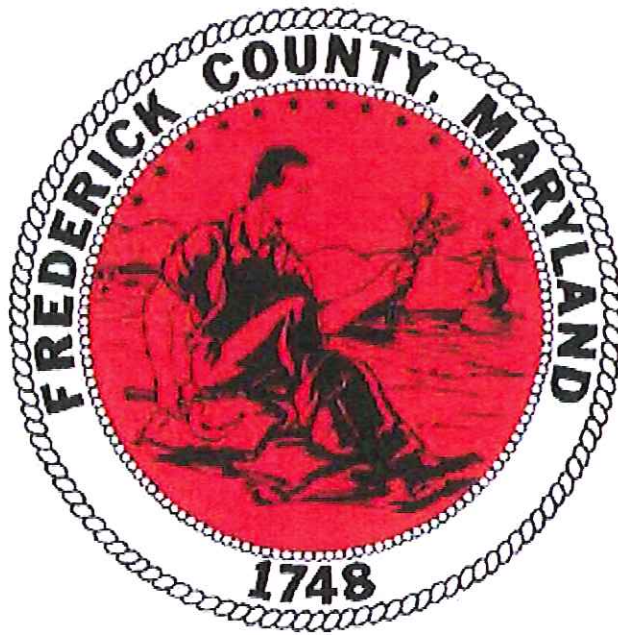
By: 

Bud Otis, President

MJC 6/22/15

Exhibit A

**Solid Waste Management Plan
1998 -2017**



December 2014

Frederick County, Maryland
Division of Utilities and Solid Waste Management

Deleted: August 2013¶

5. Program Monitoring

The apartment and condominium officials will conduct inspections, review service levels, investigate reported or unreported pick-up and disposal complaints, meet with residents or recycling contractor staff to educate or review practices, and review contractor compliance with the recycling contract as they deem necessary in order to conduct a successful recycling program.

The apartment and condominium officials will also be available to conduct educational seminars and/or tours regarding new materials, practices and procedures for residents. Also, the owner, manager or council shall be responsible to keep the residents current on new regulations, laws, and mandates affecting recycling in the apartment buildings or condominiums. Any ABCR Program performance deficiencies that arise will be documented and addressed. The apartment and condominium officials shall initiate actions to correct all deficiencies within 60 days of being notified by the County.

6. Program Enforcement

The County Office of Recycling will notify the apartment and condominium officials of the implementation requirements in accordance with the Sections 9-1703 and 9-1711 of the Environment Article, Annotated Code of Maryland. The County Attorney's Office will determine if a County should enforce the law and what level of enforcement actions should be used. The law allows for fines to a person that violates the recycling or reporting requirements of the law or a civil penalty not exceeding \$50 for each day on which the violation occurs. Further, any penalties collected under the law shall be paid to the county, municipality or other local government that brought the enforcement action.

Special Events Recycling Plan

1. Special Events Subject to the Recycling Program

Comment [cmj2]: SB781

The Frederick County Department of Solid Waste Management has identified sixty-four (64) public sites within the County that fall under the scope of the law. The Frederick County Department of Solid Waste Management will notify the organizers of special events via direct mail to explain the requirements of the law including the materials that must be recycled (i.e., plastic, metal, glass containers, and paper) at the identified locations.

Environment Article, §9-1712, Annotated Code of Maryland, requires special events organizers to provide for recycling at special events that meet the following three criteria:

- a. Includes temporary or periodic use of a public street, publicly owned site or facility, or public park;
- b. Serves food or drink; and
- c. Is expected to have 200 or more persons in attendance.

Projected attendance may be estimated based on past attendance, number registered to attend, the venue's seating capacity, or other similar methods.

The County has identified public sites within the County that host or may host special events meeting the above criteria. These sites can be found in Appendix P. In addition to the sites listed individually, special events taking place on any local, State, or Federally-owned streets are also included in the Special Events Recycling Program (SERP).

2. Materials and Obligations–

The SERP must include collection of at least plastic containers, metal containers, glass containers, and paper. The special events organizer must assess the availability of food scraps recycling services for the event. If services are deemed reasonably available, the special events organizer must provide for food scraps recycling, including provision of separate containers for organic and non-organic recyclables.

a. Collection - Special events organizers are responsible for:

1. Providing and placing recycling receptacles adjacent to each trash receptacle at the event (except where already existing on site);
2. Ensuring that recycling receptacles are clearly distinguished from trash receptacles by color or signage;
3. Providing any other labor and equipment necessary to carry out recycling at the event; 4. Ensuring that materials placed in recycling receptacles are collected and delivered for recycling; and
5. Paying any costs associated with recycling at the special event;

b. Special events organizers may fulfill the requirement to ensure materials are collected and delivered for recycling through one or more of the following methods:

1. Transporting recyclable materials to the Frederick County transfer station and paying the current prevailing tipping fee rate for commercial single stream recycling.
2. Contracting with a recycling hauler to collect the materials and deliver them for recycling; or 3. Receiving prior agreement from the site owner to use an existing recycling collection system available at the site.

Recycling at a State-owned site must follow the State agency's recycling plan, or the SERP, whichever constitutes the greatest level of recycling. Recycling at a federally-owned site must follow any applicable federal recycling plan, or the SERP, whichever constitutes the greatest level of recycling. Recycling at municipally-owned sites must follow any additional regulations established by the municipality.

3. Stakeholders

Stakeholders that will be involved in implementing the law are:

1. Special Events Organizer – Responsible for providing recycling bins and ensuring collection for recycling in accordance with the requirements in §9-1712, beginning October 1, 2015.

- 2.The Maryland General Assembly- Responsible for legislation mandating the collection and recycling of recyclable materials from special events meeting the required criteria.
- 3.Maryland Department of the Environment- Responsible for enforcement of environmental laws and regulations, such as the SERP.
- 4.Frederick County Governing Body Responsible for adopting the MDE approved language of SERP for the Solid Waste Management Plan amendment.
- 5.Frederick County Planning Commission - Responsible for reviewing and finding consistencies with the Comprehensive Plan regarding the Solid Waste Management Plan amendments, to include SERP.
- 6.Frederick County Solid Waste Advisory Committee – Responsible for recommending to the Frederick County Council the soundest methods of waste disposal, recycling, and waste reduction; and advising the Frederick County Governing Body on specifically requested policy alternatives, such as SERP.
- 7.Frederick County Department of Solid Waste Management – Communicate the requirements of the law to prospective special events organizers and owners/operators of publicly-owned sites in the County. Provide educational and outreach materials in electronic format to assist special events organizers in developing a recycling program. Update County's recycling plan to include the SERP and amend the County Solid Waste Management Plan.

4.Participating public sites in SERP are listed in Appendix P.

5.Program Monitoring

Department of Solid Waste Management and special events organizers will monitor progress and performance of the SERP. Recycling at events subject to the SERP will be ensured as follows:

- 1.Notification will be sent via direct mail to all owners of public sites located within the County that host or may host special events meeting the specified criteria.
- 2.Access to an electronic fact sheet or other informational document outlining the requirements of the SERP will be distributed to each municipality and publicly owned site or facility within the County. Links to the information will be available on the on other agency's websites, for example the County Health Department's website, Frederick County Parks and Recreation's website and Community Development's website.

The special event organizer is responsible for monitoring the implementation of recycling at the special event. Special event organizers must oversee placement and labeling of recycling receptacles and

collection and recycling of recyclables. Performance of any recycling contractor engaged for compliance with the SERP must be monitored by the special event organizer. The special event organizer must promptly take action to correct any deficiencies in the contractor's performance.

6. Program Enforcement

The Department of Solid Waste Management will notify via direct mail all municipalities and the owners of all public sites within the County, of the implementation requirements in accordance with Sections 9-1703 and 9-1712 of the Environment Article, Annotated Code of Maryland. Links to the information will be available on the County's website. The County Attorney's Office will determine if a County should enforce the law and what level of enforcement actions should be used. The law allows for fines to a person that violates the recycling or reporting requirements of the law or a civil penalty not exceeding \$50 for each day on which the violation occurs. Further, any penalties collected under the law shall be paid to the county, municipality or other local government that brought the enforcement action.

YARD WASTE AND FOOD WASTE

There are no current plans to expand local yard waste sites. Property owners are encouraged to reduce the quantity of yard waste that is included in the waste stream by disposing of those materials in an ecologically sound manner.

Yard waste has been one of the largest recycling growth areas during the previous solid waste management plan years and continues to show tremendous potential for diversion from the landfill through waste reduction and recycling efforts. Continued federal and state efforts to ban the material from landfills, along with market-driven forces that cause haulers to discontinue collection for their customers, will keep recycling and reduction of this material in the public spotlight in the short-term planning period.

Even by minimizing collection costs with satellite drop off and processing facilities, capital and operations costs for mulching sites are high. In an Options Paper presented to the community in 1994-95, community consensus concluded that emphasis should instead be placed on teaching residents to handle their yard waste themselves on their own property. This eliminates both collection and processing costs, provides the resident with a ready source of mulch/compost and gives the resident an outlet for their yard waste.

Education methods should include continuation of the backyard composting clinics held on a periodic basis to reach a higher proportion of the population. It is estimated that about 350 people have been reached through clinics held from 1994-1997. A master composter/recycler program should also be started to provide more community volunteer support for disseminating the word about backyard composting/grasscycling.

School science programs are also good candidates for composting education, including demonstration worm composting bins and a pilot program for composting of school kitchen waste on-site.

Appendix P

Participating Public Sites

Comment [cmj3]: s8781

Municipally-owned sites:

| Facility Name | Owner Mailing Address | Property Address |
|--|---|--|
| Edward P. Thomas, Jr. Memorial Swimming Pool | 101 North Court St, Frederick, MD 21701 | 500 Fleming Ave, Frederick, 21701 |
| William R. Diggs Memorial Swimming Pool | 101 North Court St, Frederick, MD 21701 | 125 West All Saints St, Frederick, 21701 |
| Baker Park | 101 North Court St, Frederick, MD 21701 | 121 North Bentz St, Frederick, 21701 |
| Harry Grove Stadium | 101 North Court St, Frederick, MD 21701 | 21 Stadium Dr, Frederick, 21703 |
| McCurdy Field | 101 North Court St, Frederick, MD 21701 | 210 South Jefferson St, Frederick, 21701 |
| Frederick Municipal Airport | 101 North Court St, Frederick, MD 21701 | 310 Aviation Way, Frederick, 21701 |
| Max Kehne Park | 101 North Court St, Frederick, MD 21701 | 1100 West Seventh St, Frederick, 21701 |
| William R. Talley Recreation Center | 101 North Court St, Frederick, MD 21701 | 121 North Bentz St, Frederick, 21701 |
| Brunswick Sports Complex | 1 West Potomac St, Brunswick, MD 21716 | 210 Thirteenth Ave, Brunswick, 21716 |
| Brunswick Municipal Pool | 1 West Potomac St, Brunswick, MD 21716 | 99 Cummings Dr, Brunswick, 21716 |
| Brunswick City Park | 1 West Potomac St, Brunswick, MD 21716 | 655 East Potomac St, Brunswick, 21716 |
| Middletown Memorial Park | 31 West Main St, Middletown, 21769 | South Church ST & Franklin St, Middletown, 21769 |
| Wiles Branch Park | 31 West Main St, Middletown, 21769 | Knoll Side Ln, Middletown, 21769 |

Comment [cmj4]: 58781

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|---|--|---|
| Doubs Meadow Park | P.O. Box 295, Myersville, MD 21773 | Ellerton Rd, Myersville, 21773 |
| Myersville Volunteer Fire Company | P.O. Box 295, Myersville, MD 21773 | 301 Main St, Myersville, 21773 |
| Thurmont Community Park | P.O. Box 17, Thurmont, MD 21788 | Frederick Rd, Thurmont 21788 |
| East End Park | P.O. Box 17, Thurmont, MD 21788 | 800 East Main St, Thurmont, 21788 |
| Eyler Road Park | P.O. Box 17, Thurmont, MD 21788 | Eyler Rd, Thurmont, 21788 |
| Thurmont Senior Center | P.O. Box 17, Thurmont, MD 21788 | 806 East Main St, Thurmont, 21788 |
| Emmitsburg Community Park | 300A South Seton Ave, Emmitsburg, MD 21727 | 201 West Lincoln Ave, Emmitsburg, 21727 |
| Emmitsburg Memorial Park | 300A South Seton Ave, Emmitsburg, MD 21727 | 11 Chesapeake Ave, Emmitsburg, 21727 |
| Woodsboro Community Park | P.O. Box 88, Woodsboro, MD 21798 | Woodsboro Rd, Woodsboro, 21798 |
| Heritage Farm Park | P.O. Box 249, Walkersville, MD 21793 | 9224 Devilbiss Bridge Rd, Walkersville, 21793 |

County-owned sites:

| Facility Name | Owner Mailing Address | Property Address |
|---|---|--|
| Frederick County Public Schools | | See listing on Page 3-16 |
| Green Valley Fire Station | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 3939 Green Valley Rd, Monrovia, 21770 |
| United/Westview Fire Station | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 5525 New Design Rd, Frederick, 21773 |
| Spring Ridge Fire Station | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 6061 Spring Ridge Pkwy, Frederick, 21701 |

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| Ballenger Creek Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 5420 Ballenger Creek Pike, Frederick, 21703 |
| Buckeystown Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 7221 Michaels Mill Rd, Buckeystown, 21717 |
| Catoclin Creek Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 2929 Sumantown Rd, Middletown, 21769 |
| Creagerstown Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 12014 Penterra Manor Ln, Thurmont, 21788 |
| Fountain Rock Park & Nature Center | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 8511 Nature Center Pl, Walkersville, 21793 |
| Fountaindale Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 7213 Beechtree Dr, Middletown, 21769 |
| Green Hill Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 2810 Decatur Dr, Adamstown, 21710 |
| Kemptown Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 3456B Kemptown Church Rd, Monrovia, 21770 |
| Libertytown Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 12201 Liberty Rd, Libertytown, 21762 |
| Loy's Station Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 13506 Old Frederick Rd, Thurmont, 21788 |
| Middletown Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 7628 Coblenz Rd, Middletown, 21769 |
| Old National Pike District Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 12406 Old National Pike, Mount Airy, 21771 |
| Pinecliff Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 8350 Pinecliff Park Rd, Frederick, 21704 |
| Point of Rocks Park & Community Center | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 1637 Ballenger Creek Pike, Point of Rocks, 21777 |

| | | |
|---|--|--|
| Rocky Ridge Landing | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 10611 Rocky Ridge Rd, Thurmont, 21788 |
| Roddy Road Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 14760 Roddy Rd, Thurmont, 21788 |
| Rose Hill Manor Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 1611 North Market St, Frederick, 21701 |
| Urbana Community Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 3636 Urbana Pike, Frederick, 21704 |
| Urbana District Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 3805 Urbana Pike, Frederick, 21704 |
| Utica Park | c/o Parks & Recreation, 12 East Church St, Frederick, MD 21701 | 10200B Old Frederick Rd, Frederick, 21701 |
| Brunswick Branch Library | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 915 North Maple Ave, Brunswick, 21716 |
| C. Burr Artz Public Library | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 110 East Patrick St, Frederick, 21701 |
| Edward F. Fry Library at Point of Rocks | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 1635 Ballenger Creek Pike, Point of Rocks, 21777 |
| Emmitsburg Branch Library | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 300 South Seton Ave, Emmitsburg, 21727 |
| Middletown Branch Library | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 101 Prospect St, Middletown, 21769 |
| Thurmont Regional Library | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 76 East Moser Rd, Thurmont, 21788 |
| Urbana Regional Library | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 9020 Amelung St, Frederick, 21704 |
| Walkersville Branch Library | c/o MSD/Maintenance, 12 East Church St, Frederick, MD 21701 | 57 West Frederick St, Walkersville, 21793 |

State-owned sites:

| <u>Facility Name</u> | <u>Owner Mailing Address</u> | <u>Property Address</u> |
|--|---|---|
| Greenbriar State Park | Department of Natural Resources, 580 Taylor Ave, Tawes State Office Building, Annapolis, MD 21401 | Grindstone Run Rd, Myersville, 21773 |
| Cunningham Falls State Park | Department of Natural Resources, 580 Taylor Ave, Tawes State Office Building, Annapolis, MD 21401 | 14039 Catoclin Hollow Rd, Thurmont, 21788 |
| Gambrill State Park | Department of Natural Resources, 580 Taylor Ave, Tawes State Office Building, Annapolis, MD 21401 | 8602 Gambrill Park Rd, Middletown, 21769 |
| Armory | Military Department, 301 West Preston St, Baltimore, MD 21201 | 8501 Old National Pike, Frederick, 21704 |
| Maryland School for the Deaf | P.O. Box 250, Frederick, MD 21705 | 101 Clarke Pl, Frederick, 21701 |

Federally-owned sites:

| <u>Facility Name</u> | <u>Owner Mailing Address</u> | <u>Property Address</u> |
|--|--|--|
| C&O Canal National Historic Park | 1850 Dual Highway, Suite 100, Hagerstown, MD 21740 | |
| Monocacy National Battlefield | 4632 Araby Church Rd, Frederick, MD 21704 | 5201 Urbana Pike, Frederick, 21704 |
| Catoclin Mountain Park | 6602 Foxville Rd, Thurmont, MD 21788 | 6602 Foxville Rd, Thurmont, 21788 |
| National Emergency Training Center | 16825 South Seton Ave, Emmitsburg, MD 21727 | 16825 South Seton Ave, Emmitsburg, 21727 |