



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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TECHNICAL STAFF REPORT

2021 Office Building Recycling Plan as an Amendment of the 2014-2024 Solid Waste Management Plan

Planning Board Meeting of February 18, 2021

DPZ Planner:

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Description:

This amendment seeks to adopt the Office Building Recycling Plan as an amendment to the County's 2014-2024 *Solid Waste Management Plan*.

Background:

The Department of Public Works is seeking to amend the County's 2014-2024 Solid Waste Management Plan with an Office Building Recycling Plan to comply with the passage of Senate Bill 370 (SB370). SB370 requires Maryland County's to submit a recycling plan to the Secretary of the Environment that addresses the collection and recycling of recyclable materials from office buildings that are 150,000 square feet or greater. In addition, the bill requires each owner of the affected office building to provide recycling receptacles for the collection of recyclable materials and for the removal of certain materials.

Currently, the Office Building Recycling Plan is not included in the County's 2014-2024 Master Plan; therefore, the Department of Public Works is seeking an amendment for its inclusion. This amendment must abide by the following two procedural requirements:

1. Planning Board review. Section 9-506 of the Environmental Article requires amendments to a "county plan" to be reviewed by an official planning agency. Specifically, §9-506 says:

(a) Review by official planning agencies. --

(1) Except as provided in paragraphs (2) and (3) of this subsection, before a county governing body may adopt a county plan or a revision or amendment to the county plan:

(i) The county governing body shall submit the county plan, revision, or amendment to each official planning agency that has jurisdiction in the county, including any comprehensive planning agency with areawide jurisdiction, for review and comment within a 30-day period for consistency with planning programs for the area; and

(ii) The county planning agency shall certify that the plan, revision, or amendment is consistent with the county comprehensive plan prepared under Title 1, Subtitle 4 or Title 3 of the Land Use Article or § 10-324 of the Local Government Article.

2. Notice and Hearing. Section 9-503(d) requires notice of the public hearing to amend the plan to be published in at least 1 newspaper of general circulation each week for 2 successive weeks (the first of which must be at least 14 days before the hearing). Section 9-503(d) specifically says:

(d) Public hearing prior to adoption. --

(1) Before a county governing body adopts any revision or amendment to its county plan or adopts a new county plan, the governing body shall:

- (i) Conduct a public hearing on the county plan, revision, or amendment that may be conducted jointly with other public hearings or meetings; and
- (ii) Give the principal elected official of each municipal corporation that is affected notice of the county plan, revision, or amendment at least 14 days before the hearing.

(2)

(i) Notice of the time and place of the public hearing, together with a summary of the plan, revision, or amendment, shall be published in at least 1 newspaper of general circulation in the county once each week for 2 successive weeks, with the first publication of notice appearing at least 14 days before the hearing.

(ii) Notice of the public hearing may be a part of the general notice listing all other items to be considered during the public hearing or meeting.

According to §9-501, a county plan is defined as:

(d) County plan. --

(1) "County plan" means a comprehensive plan for adequately providing throughout the county, including all towns, municipal corporations, and sanitary districts in the county, the following facilities and services by public or private ownership:

- (i) Water supply systems;
- (ii) Sewerage systems;
- (iii) Solid waste disposal systems;
- (iv) Solid waste acceptance facilities; and
- (v) Systematic collection and disposal of solid waste, including litter.

(2) "County plan" includes a revised or amended county plan.

General Plan Consistency: This amendment seeks to add new text to the County's 2014-2024 *Solid Waste Management Plan* to comply with State law. The text for the Office Building Recycling Plan is included as Exhibits A and B. An evaluation of consistency with *PlanHoward 2030* is provided below.

Solid Waste and Recycling Policy

Policy 8.6 on page 107 in *Plan Howard 2030* supports the goal of countywide environmentally sound solid waste management practices. Specifically, Implementing Action a. Promote Solid Waste Reduction recommends the County continue "to expand programs for solid waste reduction, reuse, recycling... and to expand recycling programs to include additional materials as technologies and markets become available..." (*Plan Howard 2030*, page 107).

Further, *Plan Howard 2030* supports Howard County Government "lead by example as a good steward of the shared resources within the community and region" (Policy 12.1 on page 155). Implementing Action e. Enhance Recycling supports the County to continue to look for additional ways to increase recycling.

Implementing Action f. Commercial Options supports the “reexamination of business recycling as an option for business.”

Conclusion:

This amendment is supported in several policies in *PlanHoward 2030*.

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Amy Gowan 2/4/2021
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Amy Gowan, Director Date
Department of Planning and Zoning

Exhibits

- A. SECTION 3.5.2.6 OFFICE BUILDING RECYCLING PLAN
- B. SECTION 4.5.13 OFFICE BUILDING RECYCLING

Exhibit A

SECTION 3.5.2.6 OFFICE BUILDING RECYCLING PLAN

STATE LAW REQUIRES THE OWNER OF AN OFFICE BUILDING WITH 150,000 SQUARE FEET OR GREATER OF OFFICE SPACE TO PROVIDE RECYCLING RECEPTACLES FOR THE COLLECTION OF PLASTIC, METAL, CARDBOARD, AND PAPER FOR STAFF IN THE BUILDINGS AND FOR THE REMOVAL OF THE MATERIALS FOR FURTHER RECYCLING BY OCTOBER 1, 2021 ("OFFICE BUILDING RECYCLING PLAN"). THIS REQUIREMENT INCLUDES OFFICE BUILDINGS LOCATED ON THE SAME PROPERTY THAT, IN THE AGGREGATE, TOTAL OFFICE SPACE OF 150,000 GROSS SQUARE FEET OR GREATER. OFFICE BUILDING RECYCLING MUST BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY'S MDE-APPROVED OFFICE BUILDING RECYCLING PLAN WHICH IS AN INTEGRAL PART OF THE COUNTY SOLID WASTE MANAGEMENT PLAN. TO IMPLEMENT THE STATE LAW, THE COUNTY WILL NOTIFY ALL AFFECTED OFFICE PROPERTIES IN THE COUNTY OF THE NEW RECYCLING REQUIREMENT BY MARCH 1, 2021, BY PROVIDING ALL AFFECTED OFFICE PROPERTIES IN THE COUNTY WITH THE COUNTY OFFICE BUILDING RECYCLING PLAN AND INFORMATION ABOUT DEVELOPING AND SUBMITTING A PROPOSED PLAN TO THE COUNTY. THE COUNTY REQUIRES THAT EACH AFFECTED OFFICE BUILDING EXISTING AS OF DECEMBER 1, 2020, SUBMIT A PROPOSED OFFICE BUILDING RECYCLING PLAN TO THE HOWARD COUNTY RECYCLING DIVISION BY MAY 1, 2021. WITHIN 30 DAYS OF THE COUNTY'S APPROVAL OF THE OFFICE BUILDING RECYCLING PLAN, THE OWNER MUST BEGIN PUBLICIZING THE PLAN TO THEIR TENANTS AND STAFF. OWNERS MUST PROVIDE WEEKLY RECYCLING COLLECTION IN ACCORDANCE WITH AN APPROVED OFFICE BUILDING RECYCLING PLAN BY JULY 1, 2021. FOR NEW CONSTRUCTION OR REDEVELOPMENT OF OFFICE BUILDINGS, THE SITE DEVELOPMENT PLAN MUST BE REVIEWED BY THE BUREAU OF ENVIRONMENTAL SERVICES TO VERIFY ACCOMMODATION IS MADE FOR RECYCLING. OFFICE BUILDING RECYCLING PLANS MUST BE APPROVED BEFORE USE AND OCCUPANCY PERMITS ARE ISSUED AND RECYCLING COLLECTION MUST COMMENCE WHEN THE OFFICE BUILDING HAS AT LEAST ONE TENANT OR OFFICE EMPLOYEE. HOWARD COUNTY WILL MAINTAIN A LIST OF OFFICE BUILDINGS COVERED BY THE LAW AND WILL CONTINUALLY UPDATE THE LIST. INTERESTED PARTIES MAY CALL THE HOWARD COUNTY RECYCLING DIVISION TO OBTAIN INFORMATION ABOUT THE LIST OR FOR ASSISTANCE WITH DEVELOPMENT OF AN OFFICE BUILDING RECYCLING PLAN. OWNERS SHALL SUBMIT AND IMPLEMENT THE OFFICE BUILDING RECYCLING PLAN AND SHALL COMPLETE THE ANNUAL RECYCLING REPORT.

SECTION 3.5.2.6.1

OFFICE BUILDING RECYCLING PLANS AT A MINIMUM MUST INCLUDE THE FOLLOWING:

- a) AMAP OF THE PROPERTY SHOWING ALL BUILDINGS AND THE INTENDED LOCATION OF ALL OUTDOOR RECYCLING COLLECTION CONTAINERS.
- b) IF LEASED SPACE, THE NUMBER OF TENANTS AND EMPLOYEES AT THE LOCATION.
- c) A DESCRIPTION OF HOW RECYCLING WILL BE COLLECTED WITHIN THE OFFICE SPACES INCLUDING NUMBER AND TYPE OF CONTAINERS AND CUSTODIAN RESPONSIBILITIES.
- d) A DESCRIPTION OF THE NUMBER, SIZE, TYPE AND COLOR OF COLLECTION CONTAINERS.
- e) A DESCRIPTION OF THE WEEKLY TRANSPORTATION OF THE RECYCLABLES TO A RECYCLABLES PROCESSOR OR END-USER.
- f) A DESCRIPTION OF HOW THE RECYCLABLES WILL BE MARKETED.

- g) A DESCRIPTION OF EFFORTS TO EDUCATE TENANTS AND STAFF ABOUT THE RECYCLING PLAN AND EXAMPLES OF THE MATERIALS USED TO COMMUNICATE THE PLAN.
- h) INSPECTION AND MONITORING PLANS TO VERIFY THAT THE RECYCLING PLAN IS PROPERLY IMPLEMENTED BY THE OWNER.

SECTION 3.5.2.6.2

OFFICE BUILDING RECYCLING ANNUAL REPORT

OWNERS MUST PROVIDE AN ANNUAL REPORT TO THE HOWARD COUNTY RECYCLING DIVISION BY MARCH 31 OF EACH YEAR, WHICH COVERS THE PREVIOUS CALENDAR YEAR AND PROVIDES THE FOLLOWING INFORMATION:

- a) BEGINNING AND END DATES FOR ALL SERVICES THAT BEGAN AND ENDED IN THE PREVIOUS CALENDAR YEAR.
- b) CONTACT INFORMATION FOR ALL TRANSPORTERS OF RECYCLABLES, WHETHER THE OWNER SELF-HAULS OR CONTRACTS WITH A THIRD PARTY.
- c) CONTACT INFORMATION FOR ALL RECYCLABLES PROCESSORS, END-USERS OR BROKERS USED TO DISPOSE OF RECYCLABLES DURING THE PREVIOUS CALENDAR YEAR.
- d) A COPY OF AT LEAST ONE INVOICE FOR EACH THIRD-PARTY HAULERS, RECYCLABLES PROCESSORS, END-USERS OR BROKERS USED DURING THE PREVIOUS CALENDAR YEAR.
- e) TOTAL TONS OF WASTE GENERATED AND DISPOSED.
- f) THE TOTAL TONS OF RECYCLING HAULED FROM THE OFFICE BUILDING DURING THE PREVIOUS CALENDAR YEAR.
- g) DOCUMENTATION OF EFFORTS TO COMMUNICATE THE RECYCLING PLAN TO TENANTS AND STAFF.
- h) A LETTER SIGNED BY THE OWNER THAT STATES THAT THE TENANTS OR STAFF OF THE OFFICE BUILDING HAVE HAD ACCESS TO A WEEKLY SERVICE WITH THE MINIMUM NUMBER, TYPE, SIZE AND COLOR OF COLLECTION CONTAINERS APPROVED BY THE COUNTY IN THE RECYCLING PLAN.

SECTION 3.5.2.6.3

MONITORING AND ENFORCEMENT

THE HOWARD COUNTY RECYCLING DIVISION WILL MONITOR THE PERFORMANCE OF EACH OFFICE BUILDING RECYCLING PROGRAM. THE COUNTY HAS THE RIGHT TO INSPECT ANY OFFICE BUILDING TO ASSESS ANY ELEMENT OF THE PROGRAM. IF THE COUNTY IDENTIFIES ANY DEFICIENCIES, THE OWNER HAS 30 DAYS TO CORRECT THESE DEFICIENCIES UPON WRITTEN NOTIFICATION BY THE COUNTY. THE RECYCLING DIVISION MAY REQUIRE CHANGES TO AN APPROVED OFFICE BUILDING RECYCLING PLAN. IN ADDITION TO THE INFORMATION PROVIDED IN THE ANNUAL REPORT, OWNERS MUST PROVIDE DOCUMENTATION RELATED TO THE RECYCLING PLAN, WHEN REQUESTED BY THE COUNTY. ANY OWNER WHO DOES NOT IMPLEMENT THEIR RECYCLING PLAN, DOES NOT SUBMIT AN ANNUAL REPORT, DOES NOT COOPERATE IN PROVIDING ACCESS, OR INFORMATION ABOUT ITS RECYCLING PROGRAM IS IN VIOLATION OF HOWARD COUNTY CODE §18.613 AND IS SUBJECT TO A CIVIL PENALTY FOR EACH DAY THAT THAT THE VIOLATION CONTINUES. IN ADDITION TO A CIVIL PENALTY, THE COUNTY MAY PURSUE OTHER LEGAL ACTION TO ENFORCE STATE AND COUNTY LAW.

Exhibit B

SECTION 4.5.13

OFFICE BUILDING RECYCLING

As described in chapter 1, section 9-1714 of the Environmental Article, Annotated Code of Maryland, which became effective October 1, 2019, requires that recycling services be provided at all office buildings that have 150,000 square feet or greater of office space provide separate collection and removal of recyclable materials by October 1, 2021, and allows the counties to enforce this law and to require reporting.

Council Bill No. Xxxx, adopted xxxxx, added Title 18, Subtitle 6A, Section 18.613, Office Building Recycling, to the Howard County Code to address the enforcement of this new law and of the "Office Building Recycling Plan", effective xxx. Council Resolution No. X-xxxx, also adopted xxxxx, amended The County's Solid Waste Management Plan to include this Office Building Recycling Plan.

Chapter 3 details the requirements for office building recycling.