

RESOLUTION NO. 14 - 20

**RESOLUTION ADOPTING AMENDMENTS TO THE COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN FOR WORCESTER COUNTY, MARYLAND**

WHEREAS, in accordance with the provisions of Section 9-503 of the Environment Article of the Annotated Code of Maryland, as from time to time amended, the County Commissioners of Worcester County, Maryland adopted the current Comprehensive Solid Waste Management Plan for Worcester County, Maryland for the planning period from 2006 to 2016 (the "Plan") by Resolution No. 09-7 which was passed and adopted on April 21, 2009 and subsequently amended on September 21, 2010 by Resolution No. 10-33, and on September 20, 2011 by Resolution No. 11-25; and

WHEREAS, thereafter Section 9-1703 of the Environment Article of the Annotated Code of Maryland was amended by the State legislature to require certain amendments to the Plan regarding the new State requirement for the collection and recycling of recyclable materials from residents of apartment buildings and condominiums that contain 10 or more dwelling units. The proposed amendments to the Plan address: background on the Apartment Building and Condominium Recycling (ABCR) Program, recyclable materials included in the program, collection of materials, marketing of materials, stakeholders in the program, a schedule for the development and implementation of the ABCR Program, program monitoring, and program enforcement; and


WHEREAS, the County Commissioners held a public hearing on October 7, 2014 to receive public comment on the proposed amendments to the Plan after which they have determined to adopt the amended language as proposed.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the Comprehensive Solid Waste Management Plan for Worcester County, Maryland, 2006-2016 is hereby amended to add a new Section 5.2.14 entitled "Apartment Building and Condominium Recycling (ABCR)."

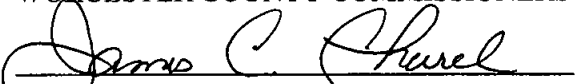
AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

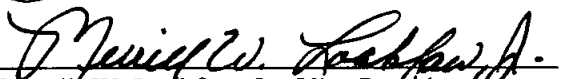
PASSED AND ADOPTED this 7<sup>th</sup> day of October, 2014.

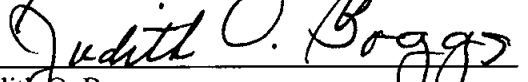
ATTEST:


  
Harold L. Higgins  
Chief Administrative Officer

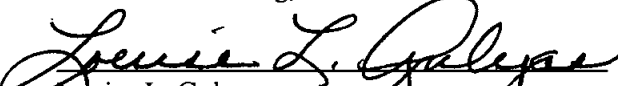
WORCESTER COUNTY COMMISSIONERS.


  
James C. Church, President

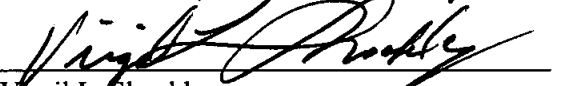
  
Merrill W. Lockfaw, Jr., Vice President

  
Judith O. Boggs

  
Madison J. Bunting, Jr.

  
Louise L. Gulyas

  
James L. Purnell, Jr.

  
Virgil L. Shockley

## **5.2.14 Apartment Building and Condominium Recycling (ABCR)**

In April, 2012, the Maryland General Assembly passed House Bill 1 – Environment – Recycling – Apartment Buildings and Condominiums, requiring recycling in all apartment buildings and condominiums that contain 10 or more dwelling units. The law became effective on October 1, 2012 (amending section 9-17036 of the Environment Article, Annotated Code of Maryland). Section 9-1703 (b) (12) of the Environment Article, requires that the county revise its recycling plan to address the collection and recycling of recyclable materials from residents of apartment buildings and condominiums that contain 10 or more dwelling units by property owners or managers of apartment building and council of unit owners of condominiums. The Plan amendment should be in place some period of time before October 1, 2014 to provide the required guidance to the owners or managers of ABCR participants. The ABCR Program must be implemented by October 1, 2014.

Through the cooperation of the County Office of Recycling and owners or managers of apartment buildings or councils of unit owners of condominiums (“apartment and condominium officials”), and other stakeholders involved in the implementation of this law, the County has identified thirteen (13) apartment buildings and condominiums that fall under the scope of the law. The County Office of Recycling scheduled a meeting inviting the apartment and condominium officials to discuss the requirements of the law, including the materials that must be recycled (i.e., plastic, metal, glass containers, and paper) at the identified locations. Due to the lack of attendance, the County Office of Recycling sent out a supplemental letter to the apartment and condominium officials outlining the ABCR Program, requirements and implementation schedule.

Apartment and condominium officials identified how the materials will be stored, collected, and transported to the recycling markets for the collected materials. Apartment and condominium officials must report to the County on an annual basis details on the required recycling activities. Other program requirements include:

### ***Materials Included in Program***

Recyclables must include: plastic, metal, and glass containers, and paper.

### ***Collection of Materials***

Apartment and condominium officials are responsible for providing all containers, labor, and equipment necessary to fulfill recycling requirements throughout their buildings. Distinctive colors and/or markings of recycling containers should be provided to avoid cross contamination. The apartment and condominium officials must ensure collection and transportation of recyclable materials from apartment and condominium locations to markets. Eight cubic yard containers are to be used for the collection of a building’s recyclable materials. Residents will be responsible for placing recyclables in building recycling bins prior to their removal on the scheduled pick up day.

## ***Marketing of Materials***

Apartment and condominium officials are responsible for the marketing of their recyclables. The apartment and condominium officials shall submit annual reports to the county Office of Recycling detailing the recycling and waste tonnages removed from the apartment and condominium and the markets for the materials.

## ***Stakeholders***

Stakeholders that will be involved in implementing the law are:

1. County Council or Commissioners – Responsible for adopting the MDE approved language of ABCR Program for the Plan amendment.
2. County Department of Public Works – Responsible for overseeing County Office of Recycling activities and assuring that all apartment buildings and condominiums that fall under the requirements are included in the ABCR Program.
3. County Office of Recycling – Communicate the requirements of the law to the apartment and condominium officials. Assist apartment and condominium officials in developing a recycling program. Monitor the progress and performance of the ABCR Program. Develop the requirements of an ABCR Program in conjunction with input from apartment and condominium officials. Update County's recycling plan to include the ABCR program and amend the County Solid Waste Management Plan. Develop a recycling reporting survey to be used by apartment and condominium officials in reporting recycling activities.
4. County Office of Planning - Responsible for amending the Solid Waste Management Plan to include ABCR Program.
5. Owner or Manager of the Apartment Building or Councils of the Unit Owners of Condominium – Responsible for providing recycling to the residents of each apartment building or condominium by October 31, 2014. Secure and manage recycling contracts with the contractor for providing material collection and recycling services from the building locations. Provide material collection bins and containers for transporting the materials from the buildings to the markets. Perform record keeping and may report to the County on annual basis.

The following are the participating apartment buildings or condominiums in ABCR program. When two addresses are listed, the first is the Owner and the second is the Property address.

### A F W Enterprises

12403 Ocean Gateway,  
Ocean City, MD 21842  
528 Bay St., Berlin MD 21811

### Decatur Limited Partnership

410 Severn Ave. - Ste B413,  
Annapolis, MD 21403  
Old City Blvd., Berlin, MD 21811

### Berlin LLC

1854 Chesapeake Rd., Pasadena, MD 21122  
509 Bay St., Berlin MD 21811

### Decatur Limited Partnership

410 Severn Ave. - Ste B413,  
Annapolis, MD 21403  
10218 Old Ocean City Blvd., Berlin 21811

Harrison Enterprises

300 Strode Ave., Coatsville, PA 19320  
430 Market St., Snow Hill, MD 21863

Hemingway Rph Holdings, LLC

4938 Hampden Ln. - Ste 326,  
Bethesda, MD 20814  
3908 Bayside Rd., Snow Hill, MD 21863

Heritage Limited Partnership

3423 Olney Laytonsville Rd. S-7  
Olney, MD 20832  
Purnell St., Snow Hill, MD 21863

Lake Haven Mhp Associates, LLC

642 Kreag Rd. - Ste 302 Pittsford, NY 14534  
11003 Grays Corner Rd., Berlin, MD 21811

Locus Group, Inc.

1540 Ocean Hwy.,  
Pocomoke City, MD 21851

Pocomoke Villas

3424 Olney Laytonsville Rd. S-7  
Olney, MD 20832  
Tenth St., Pocomoke City, MD 21851

Riverview Park, LLC

P. O. Box 321 Bishopville, MD 21813  
12623 Shell Mill Rd., Bishopville, MD 21813

Shivam, Inc.

912 Ocean Hwy. Pocomoke City, MD 21851

Sunshine Village Ltm. Partnership C/o  
Multifamily Mgmt. Group

Rockville, MD 20847  
22 Bradley Ct.  
Pocomoke City, MD 21851 P. O. Box 2046

Note: New apartment buildings or condominiums that will fall under the requirements of the law will begin participating in the ABCR program within 3 months of being notified by the County.

**Schedule for the Development and Implementation of the Program**

The ABCR Program will be implemented according to the following schedule:

1. July 15, 2014, County will hold an information meeting and distribute MDE approved language of the ABCR Program to the apartment and condominium officials for ABCR Program implementation.
2. September 26, 2014, apartment and condominium officials will educate the residents about the ABCR Program and discuss the requirements of the law.
3. October 3, 2014, apartment and condominium official will provide training or assistance to the residents and advise them of the date when the residents can start collecting the materials.
4. October 17, 2014, apartment and condominium officials finalize and secure recycling services contracts with the private contractors.
5. On or before October 31, 2014, residents start collecting and recycling the materials at the participating apartment buildings or condominiums.

### ***Program Monitoring***

The County Office of Recycling shall oversee the progress and performance of the ABCR Program. However, 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. Any issues which arise from these visits that are deemed deficiencies on the part of the residents or recycling contractor will be detailed in writing and reported to the violator. The apartment and condominium officials shall initiate actions to correct all deficiencies within 60 days of being notified.

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.

### ***Program Enforcement***

The County Office of Recycling will ensure that the recycling at apartment and condominiums will be implemented in accordance with the Sections 1703 and 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.