

RESOLUTION OF THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND

RESOLUTION NO. 2023

RE: PROPOSED AMENDMENT TO THE 2018-2037 FREDERICK COUNTY  
SOLID WASTE MANAGEMENT PLAN

RECITALS

Pursuant to the authority contained in §9-503 of the Environment Article of the Maryland Code, the governing body of Frederick County, Maryland has the authority to approve or deny amendments to the 2018-2037 Frederick County Solid Waste Management Plan ("SWMP") after a duly advertised public hearing.

The proposed amendment to Chapter 3 of the SWMP addresses the State requirement that owners of office buildings, 150,000 square feet in size and greater, provide recycling receptacles for the collection of paper, cardboard, metal, and plastic recyclable materials on or before October 1, 2021. The amendment is attached to this Resolution as Exhibit A.

Frederick County's Solid Waste Advisory Committee ("SWAC"), which makes recommendations concerning proposed amendments to the County's SWMP, and as to whether the amendments are consistent with the SWMP, approved the proposed amendment on February 5, 2020.

The Frederick County Planning Commission held a public hearing on the proposed amendment on June 10, 2020, and found it to be consistent with the Livable Frederick Master Plan.


The County Council of Frederick County, Maryland held a duly advertised public hearing on October 6, 2020, to consider the proposed SWMP amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the County Council hereby adopts the amendment to the 2018-2037 Solid Waste Management Plan as shown on Exhibit A.

The undersigned hereby certifies that the amendments described in this Resolution were approved and adopted (by a vote of 7-0) on the 6<sup>th</sup> day of October, 2020.

ATTEST:

COUNTY COUNCIL OF  
FREDERICK COUNTY, MARYLAND

  
\_\_\_\_\_  
Ragen L. Cherney  
Council Chief of Staff

By:   
\_\_\_\_\_  
M. C. Keegan-Ayer, President

*KLM by gong*

Received by the County Executive on Oct. 16, 2020.

COUNTY EXECUTIVE ACTION: ✓ Approved \_\_\_\_\_ Vetoed

Jan H. Gardner  
Jan H. Gardner, County Executive  
Frederick County, Maryland

10/14/2020  
Date

The recyclables recovered by commercial, industrial, and institutional sources may be transported to the County's Transfer and Processing Station or to out-of-county destinations for processing.

Commercial recyclables delivered to the County's facilities are recorded via scale records. Recyclables processed elsewhere may be voluntarily reported to the County on an annual basis for possible inclusion in the official MRA recycling rate. In calendar year 2015 approximately 64% of the MRA recycling taking place in the County is estimated to come from commercial and institutional sources. In 2015, commercial recyclers in Frederick County recycled approximately 73,678 tons of material.

## OFFICE BUILDING RECYCLING PLAN

### 1. Collection and Marketing

Owners of buildings with 150,000 square feet and greater of office space will be responsible for providing all containers necessary to fulfill recycling requirements throughout their buildings, as well as determining the collection schedule directly with the collection contractor. Distinctive colors and/or markings of recycling containers should be provided to avoid cross contamination. Office building owners must ensure collection and transportation of recyclable materials from office building locations to markets or tipping as commercial recycling at the Frederick County processing and transfer station at the prevailing tipping fee rate. Owners and/or tenants will be responsible for placing recyclables in building recycling bins prior to their removal on the scheduled pick up day.

### 2. Stakeholders

Stakeholders include the owners and tenants of applicable office buildings, and Frederick County.

### 3. Participants

At the time of the implementation of this requirement, eight applicable properties were identified through SDAT records (Appendix G). One of the properties is owned by Frederick County Government and therefore is already participating in a County-sponsored recycling program.

### 4. Materials to be Recycled

Each owner of the participating office building must provide recycling receptacles for the collection of paper and cardboard, metals, and plastic materials and for the removal for further recycling of recyclable materials deposited into the recycling receptacles.

### 5. Schedule of Implementation

On or before October 1, 2021, office building owners must have recycling services in place and operational in order to meet the requirements of the office building recycling program.

In order to meet this deadline, the following steps must be completed by October 1, 2021:

- Frederick County will distribute literature to the applicable office building owners regarding the office building recycling program. Office building owners will begin to educate workers/tenants (as applicable) about the program and the requirements of the law.
- Office building owners will coordinate with tenants (as applicable) to reach agreement as to which entity will be responsible for carrying out the office building recycling program.

- Office building owners will provide recycling receptacles for the collections of recyclable materials.

#### 6. Program Monitoring

Monitoring of recyclable materials bins will be carried out by office building owners and/or tenants.

Frederick County may require the office building owner and/or tenant to report to the County metrics associated with the office building recycling program.

#### 7. Enforcement

The County may, but is not required to, manage or enforce the recycling activities of an office building located within the boundaries of one of its municipalities. Enforcement agents of the County or municipality may conduct inspections in order to enforce this program.

The County Office of Recycling will notify the office building owners of the implementation requirements in accordance with Sections 9-1703 and 9-1711 of the Environment Article, Annotated Code of Maryland. The County Attorney's Office will determine if the County should enforce the law and what enforcement actions should be used.

## **APARTMENT BUILDING AND CONDOMINIUM RECYCLING PLAN**

### **1. Apartment Building and Condominium Recycling (ABCR) Program**

Through the cooperation of the Frederick 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 one hundred twenty-one (121) apartment buildings and condominiums that fall under the scope of the law. The Frederick County Office of Recycling has notified the apartment and condominium officials and discussed the requirements of the law including the materials that must be recycled (i.e., plastic, metal, glass containers, and paper) at the identified locations.

It is the responsibility of apartment and condominium officials to determine 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:

- a. Materials Included in Program

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

- b. 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 or tipped as commercial recycling at the Frederick County processing and transfer station at the prevailing tipping fee rate. Residents will be responsible for placing recyclables in building recycling

# APPENDIX G

## PARTICIPATING OFFICE BUILDINGS

<u>Owner Name</u>	<u>Premise Address</u>	<u>Structure Area</u>
<u>FREDERICK COUNTY COMMISSIONERS</u>	<u>350 Montevue Ln, Frederick, MD 21702</u>	<u>202,040 sf</u>
<u>OAK CORPORATE CENTER LLC</u>	<u>800 Oak St, Frederick, MD 21703</u>	<u>209,184 sf</u>
<u>FREDERICK VIEW LLC</u>	<u>1 State Farm Dr, Frederick, MD 21701</u>	<u>383,394 sf</u>
<u>RIVER X LLC &amp; RIVER X2 LLC</u>	<u>8480 Stagecoach Cir, Frederick, MD 21701</u>	<u>310,006 sf</u>
<u>FANNIE MAE</u>	<u>Bennett Creek Blvd, Frederick, MD 21704</u>	<u>183,550 sf</u>
<u>SP JOMA CORP &amp; SP 511 CORP</u>	<u>5202 Presidents Ct, Frederick, MD 21704</u>	<u>196,854 sf</u>
<u>RP WESTVIEW LLC</u>	<u>5280 Corporate Dr, Frederick, MD 21704</u>	<u>213,234 sf</u>
<u>GATEWAY FRANKLIN INC</u>	<u>5265 Westview Dr, Frederick, MD 21704</u>	<u>169,965 sf</u>