COUNTY COUNCIL

OF

TALBOT COUNTY

2014 Legislative Session, Legislative Day No.: August 12, 2014

Resolution No.: 214

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY SOLID WASTE MANAGEMENT PLAN TO ESTABLISH A RECYCLING PROGRAM FOR APARTMENT BUILDINGS AND CONDOMINIUMS WITH 10 OR MORE DWELLING UNITS AS REQUIRED BY STATE LAW UNDER SECTION 9-1703 (B) (12) OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND

By the Council: August 12, 2014

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, September 9, 2014 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: Susan W. Moran

Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY SOLID WASTE MANAGEMENT PLAN TO ESTABLISH A RECYCLING PROGRAM FOR APARTMENT BUILDINGS AND CONDOMINIUMS WITH 10 OR MORE DWELLING UNITS AS REQUIRED BY STATE LAW UNDER SECTION 9-1703 (B) (12) OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND

WHEREAS, Talbot County adopted the 2009-2019 Solid Waste Management Plan ("SWMP") by Resolution 177, as amended, on March 8, 2011; and,

WHEREAS, pursuant to § 9-1703 (b) (12) of the Environment Article, Md. Ann. Code, Talbot County must revise its recycling plan within the SWMP to establish a recycling program for apartment buildings and condominiums that contain 10 or more dwelling units; and,

WHEREAS, Talbot County recognizes the economic and environmental benefits of recycling, and desires to amend the Talbot County SWMP accordingly.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, as follows:

Section 1. In accordance with the requirements of Chapter 5 of the Talbot County Solid Waste Management Plan ("SWMP") and COMAR 26.03.03.05, the proposed amendment will be submitted for comment to municipal corporations, town and county agencies, sanitary districts, owners of private facilities, and federal or State agencies having programmed solid waste management facilities in the County. Further, pursuant to Environment Article § 9-506 (a) (1), Md. Ann. Code, the proposed amendment will be submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review and comment, within a 30 day period, for consistency with planning programs for the County. Before the County Council may adopt the proposed amendment the Talbot County Planning Commission must first certify that the amendment is consistent with the County Comprehensive Plan prepared under Article 25A, §5 (X), Md. Ann. Code. Upon conclusion of the public hearing(s), closing of the public record, receipt and consideration of certifications and recommendations from the Planning Commission and Public Works Advisory Board, the County Council will consider and act upon the proposed amendments. Adopted amendments will be submitted to MDE for final review and approval as required by COMAR 26.03.03.05 C. (3).

Section 2. The Talbot County SWMP shall be and is hereby amended to create a recycling program for apartment buildings and condominiums with 10 or more dwelling units as set forth in Exhibit "A," attached hereto and incorporated by reference herein.

Section 3. Having been duly advertised and public input and comment considered, the foregoing Resolution shall be and is hereby APPROVED.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its date of passage.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on _____ in the County Council Meeting Room, Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Secretary

Bartlett -

Hollis -

Pack -

Price -

Duncan -

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EXHIBIT "A" TO RESOLUTION NO. 214

KEY

Boldface..... Heading or defined term.

Underlining..... Added to existing law by original bill.

~~Strikethrough~~..... Deleted from existing law by original bill.

* * *.....Existing law unaffected.

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CHAPTER FIVE – ACTION PLAN

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5.7 APARTMENT BUILDING AND CONDOMINIUM RECYCLING (ABCR) PROGRAM

In April, 2012, the Maryland General Assembly passed House Bill 1, Environmental-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 Environment Article § 9-1703 and establishing § 9-1711.

A. Program Requirements

As required by State law, the ABCR Program applies to all (i) property owners or managers of apartment buildings that contain 10 or more dwelling units, and (ii) councils of unit owners of condominiums that contain 10 or more dwelling units.

Pursuant to State law, on or before October 1, 2014, each property owner or manager of an apartment building or council of unit owners participating in the ABCR Program shall provide for recycling for the residents of the dwelling units as described in Environment Article § 9-1711 (b) (1). This includes recycling of plastic, metal, glass containers, and paper products.

Property owners, managers, and councils of unit owners participating in the ABCR Program must ensure collection, storage, and transportation of recyclable materials from apartment and condominium locations to recycling markets. Suitable recycling containers are to be used for the collection of a building's

recyclable materials. Residents will be responsible for placing the recycling material in the recycling collection containers prior to the scheduled pick-up day.

Apartment buildings or condominiums located within a municipal corporation that has adopted a curbside recycling program are required to comply with such programs, and compliance shall be sufficient to meet the requirements of the ABCR Program. The Town of Easton, the Town of St. Michaels, and the Town of Oxford have adopted and administer curbside recycling programs. The Town of Trappe may also adopt curbside recycling in the future, and to the extent any affected apartment buildings or council of unit owners exist in Trappe, compliance with such program shall be sufficient for compliance with the ACBR program.

Property owners or managers of apartment buildings and councils of unit owners of condominiums participating in the ABCR Program are not required to report to the County on their recycling activities.

The County has contacted the property owners and managers of participating buildings and has communicated the requirements of Section 9-1703 (b) (12) and (13) of the Environment Article, Md. Code Ann.

B. Participating Apartment Buildings and Condominiums

A list of the participating apartment buildings and condominiums is set forth below in Tables 1 and 2, as amended from time to time.

New apartment buildings or condominiums that fall under the requirements of Environment Article § 9-1711 will begin participating in the County's ABCR Program or, if applicable, an acceptable program adopted by a municipal corporation within 3 months of qualifying under the statute. The County will update the program list of participating buildings at the time of the County's 3-year Solid Waste Management Plan update.

Table 1 – Participating Apartment Buildings in the ABCR Program

Name of Facility	Address	Owner/Operator	Owner Address	Units
Centreville II Limited Partnership	107 Meadow Dr, Easton, MD 21601	C/O John P. Seymour, Inc	3423 Olney Laytonsville Road, Olney MD 20832	20
Chatham Village LLC	7166 Lauren Lane, Easton, MD 21601		7166 Lauren Lane Easton	93
Easton Associates LLC	117 Parris Lane, Easton, MD 21610		117 Paris Lane, Easton	64
Easton Limited Partnership	640 Mecklenburg Ave, Easton, MD 21601		640 Mecklenburg Ave. Baltimore, MD 21201	80
Easton Meridian Limited Partnership	610 Dutchmans Lane, Easton, MD 21601	C/O Health Care REIT Inc	4500 Dorr St Toledo, OH43615	213
Easton Parkway Limited Partnership	51 Jowite Street, Easton, MD 21601	C/O Dorrance Smith	11 Jowite St Apt 103, Easton	44
Jensen's Inc	9632 Hyde Park Ct, Easton, MD 21601		246 Redstone Street, Southington, CT, 61489	212
Magnolia Meadows Associates	7080 Lauren Lane, Easton, MD 21601	LIMITED PARTNERSHIP	722 Yorklyn Rd Ste 350, Hockessin, DE 19707	100
Marvel Properties Llc	106 Port Street, Easton, MD 21601		6880 Manadier Road, Easton	13
North John C II Etal	8582 Commerce Drive, Easton, MD 21601	NORTH ETHEL T	PO Box 479, Easton	161
North John C II Etal	8591 Commerce Drive, Easton, MD 21601	NORTH ETHEL T	PO Box 479, Easton	138
Pag Properties Llc	7786 Ocean Gateway, Easton, MD 21601		117 Parris Ln A2, Easton	18
Pag Properties Llc	7772 Ocean Gateway, Easton, MD 21601		117 Parris Ln A2, Easton	42
Port Of Oxford Llc	Bank Street, Easton, MD 21601	C/O PHILLIP CONNER	108 Eden Lane, Merry Hill, NC 27957	69

Swann Haven Limited Partnership	Matthewstown, Road, Easton MD 21601		29587 Matthewtown Road, Easton	24
Trappe Limited Partnership	106 Meadow Drive, Easton, MD 21601	C/O John P Seymour, inc	3423 Olney Laytonsville Road, Olney MD 20832	32

Table 2 – Participating Condominiums in the ABCR Program

Name of Facility	Address	Owner/Operator	Owner Address	Units

C. Monitoring and enforcement

The Talbot County Department of Public Works shall oversee and monitor the ABCR Program. This includes maintaining current lists of participating apartment buildings and condominiums, working with other stakeholders and municipal governments to ensure compliance with the State law and the ABCR Program, and updating the ABCR Program as necessary.

Enforcement shall be the responsibility of the Talbot County Chief Code Compliance Officer. If the County receives a complaint or learns of a potential violation, the matter shall be referred to the Chief Code Compliance Officer who shall be authorized to investigate and issue a written notice to the responsible party detailing the deficiency with corrective action to be completed within a reasonable time not to exceed ninety (90) days. As provided by State law, the Chief Code Compliance Officer may conduct inspections of an apartment building or condominium to enforce the requirements of Section 9-1711 (b) of the Environment Article, Md. Code Ann., and shall be authorized to assess civil penalties not exceeding $50 for each day on which the violation exists against a person that violates Section 9-1711 (b) of the Environment Article law, or that violates the requirements of the ABCR Program.

For participating buildings located within municipalities offering curbside recycling, those municipal governments shall be responsible for monitoring and enforcement of their own recycling laws and programs.

D. Stakeholders

The stakeholders involved in the development and implementation of the ABCR Program include:

1) Talbot County Council – Responsible for adopting the ABCR Program by amendment to the County's Solid Waste Management Plan;

2) Talbot County Department of Public Works – Responsible for:
   - Providing information about the ABCR Program and the requirements of State law to the apartment and condominium officials whose buildings fall within the scope of the Program;
   - Monitoring the progress and performance of the ABCR Program;
   - Updating the County's Solid Waste Management Plan, including new ABCR Program requirements and the list of participating buildings, at least every three years; and,

3) Owners and managers of apartment buildings or councils of the unit owners of condominiums – Responsible for:
   - Providing recycling services to the residents of each apartment building and/or condominium in accordance with the County's ABCR Program and State law by October 1, 2014;
   - If necessary, securing and managing recycling contracts with contractors to provide recycling collection and marketing services;

- If necessary, providing suitable recycling collection/storage containers that residents can use for their recyclable materials.

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~~5.7~~5.8 AMENDING AND UPDATING THE PLAN

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